

# **City Commission Meeting**

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive January 17, 2007

Mayor David Dermer Vice-Mayor Simon Cruz Commissioner Matti Herrera Bower Commissioner Michael Góngora Commissioner Saul Gross Commissioner Jerry Libbin Commissioner Richard L. Steinberg

City Manager Jorge M. Gonzalez City Attorney Jose Smith City Clerk Robert E. Parcher

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### ATTENTION ALL LOBBYISTS

Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

Special note: In order to ensure adequate public consideration, if necessary, the Mayor and City Commission may move any agenda item to the alternate meeting date which will only be held if needed. In addition, the Mayor and City Commission may, at their discretion, adjourn the Commission Meeting without reaching all agenda items.

- PA1 Certificate of Appreciation/State Representative Gus Barreiro for Eight Years of Service.
- PA2 Certificates of Appreciation/Russell Chisholm, Dan Sullivan, & Miguel Hernandez.
- PA3 Proclamation/John Di Censo for Retiring from the CMB Police Department. (Dermer)
- PA4 Certificate of Appreciation/Beth A. Gopman, Valuable Participation as Member of CDAC. (Bower)
- PA5 Certificate of Appreciation/J. Ricky Arriola, Sound Budgetary Practice for MBCAC. (Bower)
- PA6 Certificate of Appreciation/Frank Pintado, Donations to UNIDAD 2006 Toy Giveaway. (Bower)
- PA7 Certificate of Appreciation/Standard Parking, Sponsorship UNIDAD 2006 Toy Giveaway. (Bower)
- PA8 Certificate of Appreciation/Jordan Kavana, Donations for UNIDAD 2006 Toy Giveaway. (Bower)
- PA9 Certificate of Appreciation/Larry Baum, Donations for UNIDAD 2006 Toy Giveaway. (Bower)
- PA10 Certificates of Appreciation/(21) Volunteers & MBHCC/UNIDAD Staff. (Bower)
- PA11 Certificates of Appreciation/South Florida Hispanic Chamber Of Commerce/(9) Members. (Bower)
- PA12 Certificate of Appreciation/William Riley, Dedication to 2006 Holiday Toy Giveaway (Bower)
- PA13 Certificate of Appreciation/Karen Fryd, Dedication to 2006 Holiday Toy Giveaway. (Bower)
- PA14 Certificate of Appreciation/Floyd Jordan, Dedication To 11th Annual Holiday Toy Drive. (Bower)
- PA15 Certificate of Appreciation/Adonis Garcia, Dedication To 11th Annual Holiday Toy Drive. (Bower)
- PA16 Certificate of Appreciation/Miami Beach Fire Department Local 1510. (Bower)
- PA17 Certificate of Appreciation/Octavio Rodriguez, Walgreens, 11th Annual Holiday Toy Drive. (Bower)
- PA18 Certificate of Appreciation/Walgreens Staff, 11th Annual Holiday Toy Drive. (Bower)
- PA19 Certificate of Appreciation/Roslyn Muhlrad, Biscayne Elementary, 11th Annual Toy Drive. (Bower)
- PA20 Certificates of Appreciation/(4) Organizations, Awareness on Responsible Dog Ownership.(Gross)
- PA21 New Item: Certificate of Appreciation/Michelle Viera, 11th Annual Holiday Toy Drive. (Bower)
- C2A ITB No. 13-06/07, Purchase/Install Public Safety Lighting/Equip. on City Vehicles, \$300,000.

- C4A Ref: Land Use & Development Committee Planning Board Nightclub Regulations.
- C4B Ref: Neighborhoods/Community Affairs Comm. Skate Park Along Collins Canal. (Gross)
- C6A Report: Neighborhoods/Community Affairs Committee Meeting on November 29, 2006.
- C6B W-Report: Finance & Citywide Projects Committee Meeting on November 30, 2006.
- C6C Report: G.O. Bond Oversight Committee Meeting on December 4, 2006.
- C6D Report: Land Use & Development Committee Meeting on December 11, 2006.
- C6E Report: Finance & Citywide Projects Committee Meeting on December 21, 2006.
- C7A Accept Recommendation, RFP for Audit of Resort Taxes & Internal Audits.
- C7B Set Public Hearing, Demolition/Renovation & Restoration of Beach Patrol Headquarters.
- C7C Execute Amendment, Multi-Purpose Municipal Parking Facility.
- C7D Waive Bidding, Management & Operation of the Miami Beach Botanical Garden. 5/7
- C7E Execute MOU w/ Mount Sinai, Community Workforce Housing Innovation Pilot Program.
- C7F Declare Parking Emergency, MBSH-PTA to Utilize Public Swale Dade Blvd for Boat Show.
- C7G Accept Recommendation, Management at City's Flamingo & North Shore Tennis Centers.
- C7H Approve Amendment, Landscape Restoration/Beautification Services at Julia Tuttle CSWY.
  C7I Approve Purchase/Installation. Addapave TP & Healthy Tree Fertilization Tree Pit System.
- C7I Approve Purchase/Installation, Addapave TP & Healthy Tree Fertilization Tree Pit System.
  C7J Retroactively Execute Interlocal Agreement, Guard Services for Palm & Hibiscus Island.
- C7J Retroactively Execute Interlocal Agreement, Guard Services for Palm & Hibiscus Island. C7K Approve PAL to Utilize Public Swale at Dade Blvd & Prairie Avenue, During Boat Show.
- C7L Approve Purchase, Trip Hazard Removal Services.
- C7M Execute Services Agreement, Atlantic Greenway Network "Beachwalk II" Project.

#### **REGULAR AGENDA**

- R5A **5:05 p.m. 2<sup>nd</sup> Rdg**, Conditional Use Approval-New Construc. Structures over 50,000 sf. **5/7**
- R5B 1<sup>st</sup> Rdg, Roofing Materials Ordinance. 5/7
- R5C 1<sup>st</sup> Rdg, Lighting Associated With Marine Structures. 5/7
- R5D 1<sup>st</sup> Rdg, Ocean Front Lot Height Requirements. 5/7
- R5E **5:00 p.m. 1**st **Rdg**, Amend Single-Family Residential Districts Ordinance. **5/7**
- R7A **10:30 a.m. 1<sup>st</sup> Rdg**, Extend Waiver Approving MBCC for Events Involving Adult Materials.
- R7B 2:30 p.m. 1<sup>st</sup> Rdg, Open & Continued, Approve Amendment, "Fifth and Alton" Project.
- R7C Approve City's Federal Legislative Agenda for First Session of the 110th Congress.
- R7D Approve City's State Legislative Agenda for the 2007 Session of the Florida Legislature.
- R7E Accept Recommendation, Purchase Single Space Parking Meter Mechanisms.
- R7F 10:15 a.m. Approve Concept Plan Design Submitted By UNIDAD, for N. Beach Senior Ctr.
- R7G Improvement to the Water & Sewer Pump Stations.
- R7H Accept Recommendation, Multi-Purpose Municipal Parking Garage.
- R7I Reject All Bids, Construction Services for South Pointe Park Improvements Project.
- R9A Board & Committee Appointments.
- R9A1 Board & Committee Appointments City Commission Appointments.
- R9A2 Appoint Ada Llerandi & Milli Membiela to the MB Housing Authority. (Dermer)
- R9B1 **1:30 p.m.** Dr. Stanley Sutnick Citizen's Forum.
- R9B2 **5:30 p.m.** Dr. Stanley Sutnick Citizen's Forum.
- R9C Discuss: Abolish The Prohibition Against Adoption By Homosexuals. (Dermer)
- R9D 5:15 p.m. Discuss: New Life Guard Stands Design And Competition. (Bower)
- R9E Discuss: Sail Boats Anchoring Behind Residential Homes in Miami Beach. (Cruz)
- R9F Discuss: Creation of a Blue-Ribbon Committee Election Reform. (Bower)
- R9G Discuss: Gold Star Parking System's Concession Agreement for Valet Parking Services.
- A City Attorney's Status Report.
- B1 Parking Status Report October 2006
- B2 Parking Status Report November 2006
- C Status Report: Rehabilitation & Construction of the New Fire Station No. 2.
- D Status Report: Construction of Fire Station No. 4.
- E Status Report On The Normandy Isle Park And Pool Project.

F Informational Report: Federal, State, M-DC, U.S. Communities & All Existing City Contracts.

### REDEVELOPMENT AGENCY ITEMS - 10:00 A.M.

- 1A Report: Itemized Revenues/Expenditures of RDA's City Ctr. Dist. & S. Pt. October 2006.
- 1B Report: Itemized Revenues/Expenditures of RDA's City Ctr. Dist. & S. Pt. November 2006.
- 2A Appropriate Funds, Required Deposits for MBCDC's Proposed Purchase of (3) Properties.
- 2B Approve Settlement, Atlantic Civil, Inc. V. Miami Beach Redevelopment Agency, ET AL.
- 2C Amend Affordable Housing Component of City Ctr. RDA Redev./Revitalization Area Plan.

Meeting called to order at approximately 9:21:46 a.m.

Pledge of Allegiance lead by Floyd Jordan, Fire Chief.

Invocation given by Pastor Annette Jones, of St. John's United Methodist Church.

# Times based on the digital recording in the City Clerk's Office

# **Supplemental Materials:**

R9D - LTC 011-2007 which contained color pictures of lifeguard stands.

# **Presentations and Awards**

### 9:30:21 a.m.

PA1 Certificate Of Appreciation To Be Presented To State Representative Gus Barreiro For Eight Years Of Service Representing The City Of Miami Beach In The Florida Legislature.

(City Manager's Office)

**ACTION:** Certificate presented.

Mayor Dermer stated that during his tenure with the City, former State Representative Gus Barreiro has been an advocate on many social issues; on juvenile justice issues, on ethics issues, and he has obtained more money for Miami Beach than in any other given time in the history of Miami Beach; and he proudly proclaimed this day "Representative Gus Barreiro Day" on behalf of the City Commission.

Gus Barreiro stated that it is an honor to be recognized, and added that this has been a team effort and the City has a great team. The team makes sure that Miami Beach gets what it deserves. He added that working in Tallahassee and serving in the legislature has been an incredible experience. He explained that he chose to run for public office to make a difference, and he hopes he has made a positive impact in the community. He is glad to be back home and on behalf of himself and his family, he thanked everyone.

### 10:38:41 a.m.

PA2 Certificates Of Appreciation To Be Presented To Russell Chisholm, Dan Sullivan, And Miguel Hernandez For Their Dedication And Commitment To The City Of Miami Beach.

(Fire Department)

**ACTION:** Certificates presented.

Jorge Gonzalez, City Manager, introduced the item.

Fire Chief Jordan introduced the responding rescue crew and Fire Division Chief and the Incident Commander Jeff Duckworth. He gave a summary report of a carbon monoxide incident that occurred on October 2006 at 1430 Ocean Drive. He stated that the actions of the responding fire crew and performance was outstanding; also the cooperation and partnership between the Mount Sinai Emergency Room was outstanding, and those actions together resulted in the saving of many lives. The City is proud of the actions of this crew and six other companies that responded to this incident, and because of these actions fatalities were averted.

Fire Division Chief and the Incident Commander Jeff Duckworth spoke.

Mayor Dermer thanked Jorge Gonzalez, City Manager, for bringing this to everyone's attention. He added that he is very proud to have such a wonderful Fire Department in partnership with Mount Sinai Hospital and wished more people understood the level of professionalism that we have in the City of Miami Beach for first responders as well as our hospital.

## 9:34:40 a.m.

PA3 Proclamation To Be Presented To Division Chief John Di Censo For Retiring From The City Of Miami Beach Police Department.

(Requested by Mayor David Dermer)

**ACTION:** Proclamation presented.

Mayor Dermer read the proclamation into the record and stated that Chief DI Censo has been a model to every officer in the Police Department.

Jorge Gonzalez, City Manager, stated that this is one of the occasions when an employee retires and the City will be feeling his departure for a long time to come. He thanked Chief DI Censo for serving this community and for services provided to the City of Miami Beach and wished him luck on his retirement and success in future endeavors.

Chief DI Censo stated that it has been an honor and a privilege to have served this community for the past 29 years and also to have had the opportunity of working alongside with the finest men and women in law enforcement in the City of Miami Beach; he added that he plans to continue serving as an ambassador to the City of Miami Beach.

### 9:39:38 a.m.

PA4 Certificate Of Appreciation To Be Presented To Mrs. Beth A. Gopman For Her Valuable Participation As Member Of CDAC And Long Term Member On The Commission On The Status Of Women By Handling Safespace, Project Purse And Publicity Project Boxes All On Behalf Of Women In Need In Our Community.

(Requested by Commissioner Matti Herrera Bower)

**ACTION:** Certificate presented.

Commissioner Bower recognized Beth Gopman for her valuable participation as a former member of the Community Development Advisory Committee, (CDAC), and a long time member of the Miami Beach Commission on the Status of Woman. She has also served in the United Teachers of Dade Retiree Board for 15 years and has and will continue to give of herself to the community.

Beth Gopman thanked the City Commission, Jorge Gonzalez, City Manager, and Robert Parcher, City Clerk. She also thanked the members of the CDAC and the Miami Beach Commission on the Status of Women, particularly Maria Martinez for her efforts and work with this committee. She explained that although she is retired she still works as a substitute teacher. She stated that her philosophy is that it is nice to know that some problems can come and go with the help of volunteers, and then she read a poem.

## 9:49:53 a.m.

PA5 Certificate Of Appreciation To Be Presented To J. Ricky Arriola, President Of Intel Direct, Corp., Member Of The Miami Beach Cultural Arts Council (MBCAC) And Finance Committee And Grants Review Sub-Committee, For His Valuable Contributions By Overseeing And Being Instrumental In Creating A Sound Budgetary Practice For Our MBCAC.

(Requested by Commissioner Matti Herrera Bower)

**ACTION:** Certificate presented.

Commissioner Bower stated that Ricky served as a member of the Miami Beach Cultural Arts Council. His term ended and he will not be coming back, but he will be missed. She added that his company, Intel, is listed on the 500 top Hispanic businesses and is considered to be the leader in direct marketing services targeting the Hispanic audience.

Ricky thanked Commissioner Bower.

Commissioner Libbin stated that Ricky is a good friend and was also very involved in the Performing Arts Center.

### 10:07:29 a.m.

PA6 Certificate Of Appreciation To Be Presented To Mr. Frank Pintado For His Valuable Donations And Long Term Commitment Since 1999 To The UNIDAD 2006 Toy Giveaway On Behalf Of Our Underprivileged Children Of Our Community.

(Requested by Commissioner Matti Herrera Bower)

**ACTION:** Presented in conjunction with PA7-PA10. Certificate presented.

Commissioner Bower explained that she wanted to recognize the individuals that through the years have volunteered and dedicated many hours to Unidad. She recognized Raymond Adrian, Yessenia Alvarez, Jackie Bruno, Welenska Conde, Vincent Corrado, Diubel Cruz, Jennifer Cruz, Elsa De Brio, Brenda Espinosa, Elizabeth Espinosa, Amy Kimberlain, Candida Mendiola, with Lumi and Chavo, Mirizza Mendez, Karla Morales, Vivian Perez, Yolanda Prieto, Richard Rios, Sussy Tavares, Talmage Thornhill, Marie Towers and Liliana Trujillo.

Margarita Cepeda spoke and presented a plaque from UNIDAD to Frank Pintado.

Frank Pintado spoke.

#### 10:07:29 a.m.

PA7 Certificate Of Appreciation To Be Presented To Standard Parking Inc, For Its Valuable Sponsorship To The UNIDAD 2006 Toy Giveaway On Behalf Of Our Underprivileged Children Of Our Community. (Requested by Commissioner Matti Herrera Bower)

**ACTION:** Presented in conjunction with PA6-PA10. See PA6. Certificate presented.

Commissioner Bower stated that the work Mr. Pintado has done is appreciated and it has been hard to raise money. She also thanked Standard Parking.

Frank Pintado spoke.

Commissioner Bower explained that Commissioner Libbin managed to get in touch with two friends, Jordan Kavana and Larry Baum, who were able to supply over 2000 toys and she thanked Commissioner Libbin for his efforts.

Commissioner Libbin stated that Jordan Kavana is a long time friend of the family and in a conversation he mentioned that he had a toy factory; he was able to donate 13 pallets of toys for a total of 2,300 toys. They will be given Certificates of Appreciation at the next meeting.

# 10:07:29 a.m.

PA8 Certificate Of Appreciation To Be Presented To Jordan Kavana, From Managing JL Real Ventures, For His Valuable Toy Donations During The Recent UNIDAD 2006 Toy Giveaway On Behalf Of Our Underprivileged Children Of Our Community.

(Requested by Commissioner Matti Herrera Bower)

**ACTION:** See PA7. Presentation deferred. Commissioner Libbin to present Certificate at the next meeting.

### 10:07:29 a.m.

PA9 Certificate Of Appreciation To Be Presented To Larry Baum, From Managing JL Real Ventures, For His Valuable Toy Donations During The Recent UNIDAD 2006 Toy Giveaway On Behalf Of Our Underprivileged Children Of Our Community.

(Requested by Commissioner Matti Herrera Bower)

**ACTION:** See PA7. Presentation deferred. Commissioner Libbin to present Certificate at the next meeting.

## 10:07:29 a.m.

PA10 Certificates Of Appreciation To Be Presented To (21) Volunteers And MBHCC/UNIDAD Staff For Their Valuable Help In Organizing The Recent UNIDAD 2006 Toy Give Away, Given On Behalf Of Our Underprivileged Children Of Our Community.

(Requested by Commissioner Matti Herrera Bower)

**ACTION:** Presented in conjunction with PA7-PA10. See PA6. Certificates presented.

### 9:53:55 a.m.

PA11 Certificates Of Appreciation To Be Presented To South Florida Hispanic Chamber Of Commerce And (9) Members, For Their Valuable Contributions To The 2006 Annual Toy Giveaway On Behalf Of Our Underprivileged Children And Their Families In Our Community.

(Requested by Commissioner Matti Herrera Bower)

**ACTION:** Certificates presented.

Commissioner Bower explained that the South Florida Hispanic Chamber has participated by contributing through the years to the Annual Toy Giveaway. She recognized Liliam Lopez, the United Teachers of Dade, Maggie Cayon, Rodolfo Bustamante, Luis Casas, Elizabeth Fernandez, Rosalinda Rodriguez, Luis Salom, Selim Soliman, Armando Trabanco, Chairman of the South Florida Hispanic Chamber of Commerce, and Dinorah Trabanco.

Liliam Lopez explained that the toy drive began many years ago and has expanded throughout the years by donating other items such as medicine, food and toiletries, not just toys. She recognized Selim Soliman who donated 20 bedroom sets, therefore making a difference in people's lives; and this is a gratifying and rewarding experience for them.

Armando Trabanco, Chairman of the South Florida Hispanic Chamber of Commerce, spoke.

### 10:04:28 a.m.

PA12 Certificate Of Appreciation To Be Presented To Captain William Riley, Miami Beach Police Department, Chairman Of Children's Relief Fund, For His Commitment And Dedication To 2006 Holiday Toy Giveaway For The Unprivileged Children Of Our Community.

(Requested by Commissioner Matti Herrera Bower)

**ACTION:** Presentation made in conjunction with PA13. Certificate presented.

Commissioner Bower thanked Police Captain William Riley, Chairman of Children's Relief Fund, for his commitment and dedication.

Captain Riley thanked all contributors and thanked Karen Fryd and the support of Police Chief Don De Lucca and all of the volunteers.

### 10:04:28 a.m.

PA13 Certificate Of Appreciation To Be Presented To Karen Fryd, For Her Longtime Commitment And Dedication To Children's Relief Fund, 2006 Holiday Toy Giveaway For The Unprivileged Children Of Our Community.

(Requested by Commissioner Matti Herrera Bower)

**ACTION:** See PA12. Certificate presented.

Commissioner Bower recognized Karen Fryd and explained that she has dedicated 15 years of leadership and dedicated work to this program.

### 10:00:01 a.m.

PA14 Certificate Of Appreciation To Be Presented To Chief Floyd Jordan, For His Valuable Support, Commitment And Dedication To The Miami Beach Fire Department Local 1510 "11th Annual Holiday Toy Drive" For The Unprivileged Children Of Our Community.

(Requested by Commissioner Matti Herrera Bower)

**ACTION:** Presentation made in conjunction with PA15, 16, 17, 18, 19 and PA21. Certificate presented.

Commissioner Bower presented a Certificate to Fire Chief Floyd Jordan for his participation in the 2006 Toy Giveaway. She also recognized Octavio Rodriguez from Walgreens, who donated many of the toys.

Chief Jordan spoke.

# 10:00:01 a.m.

PA15 Certificate Of Appreciation To Be Presented To Adonis Garcia, For His Valuable Support, Commitment And Dedication To The Miami Beach Fire Department Local 1510 "11th Annual Holiday Toy Drive" For The Unprivileged Children Of Our Community.

(Requested by Commissioner Matti Herrera Bower)

**ACTION:** Presentation made in conjunction with PA14-PA21. See PA14. Certificate presented.

Adonis Garcia spoke.

### 10:00:01 a.m.

PA16 Certificate Of Appreciation To Be Presented To Miami Beach Fire Department Local 1510, For Their Valuable Support, Commitment And Dedication To Their "11th Annual Holiday Toy Drive" For The Unprivileged Children Of Our Community.

(Requested by Commissioner Matti Herrera Bower)

**ACTION:** Presentation made in conjunction with PA14, 15, 16, 17, 18, 19, and PA21. Certificate presented.

## 10:00:01 a.m.

PA17 Certificate Of Appreciation To Be Presented To Octavio Rodriguez, Manager Of Walgreens At Pine Tree & 41<sup>st</sup> Street, For His Valuable Donations And Care Given To The Miami Beach Fire Department Local 1510 "11th Annual Holiday Toy Drive" For The Unprivileged Families And Children Of Our Community.

(Requested by Commissioner Matti Herrera Bower)

**ACTION:** Presentation made in conjunction with PA14, 15, 16, 17, 18, 19, and PA21. Certificate presented.

### 10:00:01 a.m.

PA18 Certificate Of Appreciation To Be Presented To The Walgreens Staff, At Pine Tree & 41<sup>st</sup> Street, For Their Commitment And Dedication, To The Miami Beach Fire Department Local 1510 "11th Annual Holiday Toy Drive" For The Unprivileged Families And Children Of Our Community.

(Requested by Commissioner Matti Herrera Bower)

**ACTION:** Presentation made in conjunction with PA14, 15, 16, 17, 18, 19, and PA21. Certificate presented.

### 10:00:01 a.m.

PA19 Certificate Of Appreciation To Be Presented To Roslyn Muhlrad, Counselor At Biscayne Elementary, For Her Assistance, Commitment And Dedication To The Miami Beach Fire Department Local 1510 "11th Annual Holiday Toy Drive" For The Unprivileged Families And Children Of Our Community. (Requested by Commissioner Matti Herrera Bower)

**ACTION:** Presentation made in conjunction with PA14, 15, 16, 17, 18, 19, and PA21. Certificate presented.

### 10:19:58 a.m.

PA20 Certificates Of Appreciation To Be Presented To The Following (4) Organizations For Raising Awareness On Responsible Dog Ownership: 1) Yvonne Conza, WOOF Patrol; 2) Lucia And Roby Greer, Responsible Dog Owners; 3) Ruth Remington, Dachshund Winterfest; And 4) Roland Jorge, Responsible Dog Owners.

(Requested by Commissioner Saul Gross)

**ACTION:** Certificates presented.

Commissioner Gross presented Certificates of Appreciation. He stated that last year marked the turning point in the way the City views responsible dog owners and great strides were made. He researched the Chinese calendar and found that 2006 was indeed "The Year of the Dog," which happens every 12 years. He recognized the groups that are active in this program.

Yvonne Conza, Woof Patrol, spoke.

Lucia Greer spoke.

Roby Greer spoke.

Roland Jorge spoke.

Commissioner Gross announced that the Dachshund Winterfest will be held this Saturday at Lummus Park.

Ruth Remington, South Beach Dachshund Winterfest organizer, spoke.

# 10:00:01 a.m.

# New Item:

PA21 Certificate Of Appreciation To Be Presented To Michelle Viera, For Her Valuable Support, Commitment And Dedication To The "11th Annual Holiday Toy Drive" For The Unprivileged Children Of Our Community.

(Requested by Commissioner Matti Herrera Bower)

**ACTION:** Presentation made in conjunction with PA14-21. See PA14. Certificate presented.

Chief Jordan gave a special recognition to Michelle Viera for her time and dedication in making this a successful program.

Michelle Viera spoke. She thanked Octavio Rodriguez, from Walgreens, and Roslyn Muhlrad, counselor at Biscayne Elementary School.

# **CONSENT AGENDA**

**ACTION:** Motion made by Commissioner Bower to approve the Consent Agenda; seconded by Vice-Mayor Cruz; Voice vote: 7-0.

# **C2 - Competitive Bid Reports**

C2A Request For Approval To Award A Contract To Dana Safety Supply, Inc., Pursuant To Invitation To Bid (ITB) No. 13-06/07, For The Purchase And Installation Of Public Safety Lighting And Equipment On City Vehicles In The Estimated Annual Amount Of \$300,000.

(Fleet Management)

**ACTION: Request authorized.** Drew Terpak to handle.

Handout or Reference Materials

1. Letter from Jorge Gonzalez, City Manager, responding to Mr. Thomas D. Sabo, Florida Regional Manager, Law Enforcement Supply, RE: Bid Protest, dated January 16, 2007

# **C4 - Commission Committee Assignments**

C4A Referral To The Land Use And Development Committee - Discussion Regarding Planning Board Ordinances On Nightclub Regulations.

(Planning Department)

**ACTION: Referred.** Jorge Gomez to place on the committee agenda and to handle.

C4B Referral To The Neighborhoods/Community Affairs Committee - Discussion Regarding The Status Of The Skate Park Along Collins Canal.

(Requested by Commissioner Saul Gross)

**ACTION: Referred.** Vivian Guzman to place on the committee agenda. Robert Middaugh to handle.

# **C6 - Commission Committee Reports**

C6A Report Of The Neighborhoods/Community Affairs Committee Meeting On November 29, 2006: 1) Discussion Regarding The Ordinance Revising The Regulation And Administration Of Sidewalk Cafes; And 2) Discussion Regarding Allowing Dogs At Outdoor Cafes.

# **ACTION:**

## Item No. 1:

The Committee moved (unanimously) on the following three items:

- To establish a minimum open-space requirement for Lincoln Road at 50% with a one year reconsideration and areas currently lower than this established minimum are to be grandfathered in.
- 2. To not allow expansion across the centerline of Lincoln Road absent an extreme hardship.
- 3. Allow restaurants that begin serving lunch by 11:00am to stack chairs on the Mall at night so long as the tables are set up by 10:00am.

Fred Beckmann to handle.

### Item No.2:

The Committee took no action on this item.

C6B Report Of The Finance And Citywide Projects Committee Meeting On November 30, 2006: 1) Discussion Regarding Renewal Of The Management Agreement Between The City Of Miami Beach And Miami Beach Garden Conservancy Inc., For The Management And Operation Of The Botanical Garden; 2) Discussion Regarding Proposed First Addendum To The Development Agreement Between The City (Owner) And The New World Symphony (Developer), Dated January 5, 2004, For The Development Of The 17th Street Surface Parking Lots; Said Addendum Requiring The Developer To Proceed With The Design Of The Park And Certain Additional Improvements To Be Funded By The Owner, Generally Located Within Three (3) Geographical Areas Or "Zones" Defined Herein As Zone 1 – "The Parking Garage Zone," Zone 2 - "The Symphony Campus Zone" And Zone 3 - "The Park Project Zone"; 3) Internal Audit Division's Audited Areas For Fiscal Year 2005/06; And 4) Proposed Closure Of Lincoln Road To Vehicular Traffic Between Alton Road And Lenox Avenue.

ACTION: This item was withdrawn by the Administration.

Report Of The G.O. Bond Oversight Committee Meeting On December 4, 2006: 1) Project Status Report: A. Update On Fire Station No. 2; B. Update On Fire Station No. 4; C. Update On Normandy Isle Park And Pool; 2) Project Status Report - G.O. Bond - Funded Projects Managed By Offices Other Than CIP; 3) Informational Items: A. Updated Calendar Of Scheduled Community Meetings; B. GOBOC Roster.

### **ACTION:**

Although there was no quorum, many residents attended the meeting and Directors and other representatives of other City Offices that manage G.O. Bond-funded projects came prepared with presentations, so the information about the various projects were presented as discussion items.

C<sub>6</sub>D Report Of The Land Use And Development Committee Meeting On December 11, 2006: 1) Status Update Regarding Jacksonville Barrier Removal Ordinance/ADA Pilot Project: 1.a) An Ordinance Of The Mayor And City Commission Of The City Of Miami Beach Amending Chapter 142, "Zoning Districts And Regulations," Of The City Code, By Amending Division 2, "Rs-1, Rs-2, Rs-3, Rs-4 Single-Family Residential Districts," By Adding New Section 142-109 Entitled "Commercial Use Of Single Family Homes Prohibited"; Providing For Repealer, Severability, Codification And An Effective Date: 2) Discussion Regarding Interim Procedures - An Ordinance Amending The Land Development Regulations Of The City, By Amending Chapter 118, "Administration And Review Procedures," Article X, "Historic Preservation," Division 4, "Designation," Section 118-591, By Clarifying The Requirements And Procedures For Designation Of Historic Structures And Districts And The Issuance Of Demolition Permits: Providing For Repealer, Severability, Codification And An Effective Date: 3) Reconstruction Of Demolished Contributing Properties And Safeguards For DRB And HPB Projects - An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 118, "Administration And Review Procedures," Article IX, "Nonconformances," By Amending Section 118-395 To Clarify And Update Certain Procedures And Requirements For The Retention Of A Nonconforming Structure, By Amending Article X, "Historic Preservation", Division 3, "Issuance Of Certificate Of Appropriateness/Certificate To Dig/Certificate Of Appropriateness For Demolition", By Amending Section 118-561 To Create A Conditions And Safeguards Section For Certificates Of Appropriateness, By Amending Article VI, "Design Review Procedures," By Creating Section 118-264 To Address Conditions And Safeguards For Design Review Approval; Providing For Repealer, Codification, Severability And An Effective Date; 4) Discussion Regarding Temporary Business Signs - An Ordinance Amending Chapter 138, Article IV Of The Code Of The City Of Miami Beach, By Amending Section 138-132, "Business Signs" To Allow For Certain Temporary Signs In The Hospital District; Providing For Codification, Repealer, Severability And An Effective Date; 5)

Discussion Regarding Richard Hoberman's Request Of Creating A Process To Grant Historic Designation For Special Monument Signs In Front Of Buildings That Are Not In A Historic District; And 6) Discussion Regarding Storm Shutters.

### **ACTION:**

### Item No. 1:

Public Works Director Fred Beckmann provided a report to the Committee on the final outcome of the ADA Pilot Project. The ultimate results concerning the 10 businesses were as follows: five achieved compliance with barrier-removal measures, two of the properties' obligations will soon be rendered moot, one property is in process of achieving compliance, one has achieved partial compliance with the other part on hold, and one has chosen not to carry out barrier removal. **Fred Beckmann to explore staffing and budgetary needs and to report back.** 

### Item No. 1a:

An Ordinance Of The Mayor And City Commission Of The City Of Miami Beach Amending Chapter 142, "Zoning Districts And Regulations," Of The City Code, By Amending Division 2, "Rs-1, Rs-2, Rs-3, Rs-4 Single-Family Residential Districts," By Adding New Section 142-109 Entitled "Commercial Use Of Single Family Homes Prohibited"; Providing For Repealer, Severability, Codification And An Effective Date

**ACTION:** Motion to add a discussion item regarding proposed ordinance regulating commercial use of single family homes. Motion by Commissioner Gross; seconded by Commissioner Libbin: Vote: 3-0

Committee discussed the proposed ordinance and instructed the administration to bring back the revised ordinance to the full commission for first reading/public hearing.

# City Clerk's note: See Agenda item R5E

### Item No. 2:

Item referred to the January 8, 2007 Committee meeting.

### Item No. 3:

Item referred to the January 8, 2007 Committee meeting.

### Item No. 4:

Item referred to the January 8, 2007 Committee meeting.

## Item No.5:

Motion made by Commissioner Gross; seconded by Commissioner Libbin. VOTE: 2-0. Instruct the Administration to amend the regulations in order to encourage the retention and or replication of the original detached signs. **Jorge Gomez to handle.** 

#### Item No. 6:

Land Use Committee directed the Design Review Board to approve modifications to the Design Guidelines that would permit solid roll-down or accordion shutters on commercial structures along 41st street under limited circumstances and conditions.

The Design Review Board approved the proposed changes to the Design Guidelines on January 2, 2007. **Jorge Gomez to handle.** 

C6E Report Of The Finance And Citywide Projects Committee Meeting On December 21, 2006: 1) Discussion Regarding A Better Way To Utilize The Dollars From The Home Program To Get More Available Units Online, Also That Information Is Provided Regarding The Current Market Costs And Square Footage Costs Per Project; 2) 3) Discussion Of The Recommendations Of The Property And Casualty Insurance Reform Committee And Of The Property Tax Reform Committee And Inclusion Of This Issue On The City's 2007 State Legislative Agenda; 3) 4) Discussion Of An Ordinance Amending Miami Beach City Code Chapter 18, Article VIII "Parking Lot"; Section 18-344 Thereof, Entitled "Enforcement; Fine Schedule; Right Of Appeal," By Amending The Appeal Process For Valet Parking Citations Issued On Public Property; Providing For Repealer, Severability, Codification And An Effective Date; 4)-5) Discussion Of A Resolution Approving, On First Reading, A First Amendment To The Development Agreement Between The City Of Miami Beach And AR&J SOBE, LLC, Date May 18, 2005. For The Development Of The Project Presently Referred To As "Fifth And Alton": Said Amendment Amending The Definition Of The Term "Outside Date," As Said Term Is Defined By The Development Agreement, And Extending Said Date To February 17, 2007, 2:30 p.m.; 5) 2) Discussion Of The Recommendations Of The Property And Casualty Insurance Reform Committee And Inclusion Of This Issue On The City's 2007 State Legislative Agenda; 6) Discussion Of The Potential Purchase Of Land/Buildings By The Miami Beach Redevelopment Agency; And 7) Discussion Regarding The City Center Re-Development Agency.

### **ACTION:**

### Item No.1:

Chairman Gross referred the item to the Neighborhoods/Community Affairs Committee to determine the formula to be used to the RDA agreement.

City Clerk's Note: See agenda item RDA 2C

### Item No. 2:

2. Discussion Of The Recommendations Of The Property Tax Reform Committee And Inclusion Of This Issue On The City's 2007 State Legislative Agenda.

ACTION: Item was deferred by Chairman Gross.

#### Item No.3:

Discussion Of The Recommendations Of The Property And Casualty Insurance Reform Committee And Inclusion Of This Issue On The City's 2007 State Legislative Agenda.

ACTION: Item was deferred by Chairman Gross.

# Item No. 4:

4. Discussion Of An Ordinance Amending Miami Beach City Code Chapter 18, Article VIII "Parking Lot; Section 18-344 Thereof, Entitled "Enforcement; Fine Schedule; Right Of Appeal", By Amending The Appeal Process For Valet Parking Citations Issued On Public Property; Providing For Repealer, Severability, Codification And An Effective Date.

<u>ACTION:</u> Commissioner Bower moved to have the bond and appeal fee requirements in the City Code be the same for valet parking violations on private and public property. The motion was seconded by Chairman Gross. Commissioner Bower also requested a Letter to the Commission identifying how much bond money has been collected for parking violations on public property. **R. Parcher to handle.** 

### Item No. 5:

5. Discussion Of A Resolution Approving, On First Reading, A First Amendment To The Development Agreement Between The City Of Miami Beach And AR&J SOBE, LLC, Date May 18, 2005 For The

Development Of The Project Presently Referred To As "Fifth And Alton"; Said Amendment Amending The Definition Of The Term "Outside Date", As Said Term Is Defined By The Development Agreement, And Extending Said Date To February 17, 2007, 2:30 Pm.

**ACTION**: Item was deferred by Chairman Gross.

### Item No. 6:

6. Discussion of the potential purchase of land/building by the Miami Beach Redevelopment Agency.

<u>ACTION:</u> Chairman Gross suggested pursuing due diligence review and brining the item back to the Finance Committee prior to full Commission consideration.

City Clerk's Note: See agenda item RDA 2A

### Item No. 7:

Discussion regarding the City Center Re-Development Agency

**ACTION**: Information Only.

C7A A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Proposals Pursuant To Request For Proposals (RFP) No. 08-06/07, For Audit Of Resort Taxes And Internal Audits Of Non-Profit Organizations; Authorizing The Administration To Enter Into Negotiations With The Following Proposers: (1) Beverly Young, (2) Rodriguez, Trueba & Co, PA, And (3) Sharpton, Brunson & Company, PA For Audit Of Resort Taxes; And With The Following Proposers: (1) Alberni Caballero & Castellanos LLP, (2) Rodriguez, Trueba & Co, PA, And (3) Sharpton, Brunson & Company, PA For Internal Audits Of Non-Profit Organizations; And Further Authorizing The Mayor And City Clerk To Execute Agreements Upon Conclusion Of Successful Negotiations By The Administration.

(Budget & Performance Improvement)

ACTION: Resolution No. 2007-26426 adopted. Jim Sutter to handle.

C7B A Resolution Setting A Public Hearing Pursuant To Miami Beach City Code Section 118-563, To Consider Granting A Certificate Of Appropriateness For The Partial Demolition, Renovation And Restoration Of The Beach Patrol Headquarters, And The Substantial Demolition Of The Two-Story Auditorium Building, Along With A New Two-Story Addition To The Retained And Restored Portion Of The Auditorium Building, Located At 1001 Ocean Drive.

(Capital Improvement Projects)

**ACTION: Resolution No. 2007-26427 adopted.** Public hearing scheduled for February 14, 2007. R. Parcher to notice. Lilia Cardillo to place on the City Commission Agenda. Jorge Chartrand to handle.

Handout or Reference materials:

1. 11 X 17 Color titled 10<sup>th</sup> Street Auditorium

City Clerk's note: Historic Preservation Board Staff Report HPB file No 4174 dated December 12, 2006 is attached to this agenda item.

C7C A Resolution Approving And Authorizing The Mayor And City Clerk To Execute Amendment No.3 To The Existing Agreement Between The City And Perkins + Will Inc. (P+W), For The Provision Of Additional Professional Services In A Negotiated Not To Exceed Amount Of \$96,235, For The Services Of Special And Threshold Inspections And Testing Services, For The Multi-Purpose Municipal Parking Facility (MPPF), With Previously Appropriated Funding From The Parking Impact Fees Fund 480.

(Capital Improvement Projects)

**ACTION: Resolution No. 2007-26428 adopted.** Jorge Chartrand to handle.

A Resolution Approving, By 5/7ths Vote, A Waiver Of Competitive Bidding, Finding Such Waiver To Be In The Best Interest Of The City, And Authorizing The Mayor And City Clerk To Execute A New Management Agreement Between The City And The Miami Beach Garden Conservancy, Inc., Substantially In The Form Attached Hereto, For The Management And Operation Of The Miami Beach Botanical Garden; Said Agreement Having An Initial Term Of Five (5) Years, Commencing On July 1, 2007, And Ending On June 30, 2010, With An Option To Renew, At The City's Sole Discretion, For An Additional Five (5) Year Term, Subject And Pursuant To The Terms And Conditions Set Forth In The Agreement.

(Economic Development)

ACTION: Resolution No. 2007-26429 adopted as amended. Kevin Crowder to handle.

# **Amendment:**

A term of five years beginning July 1, 2007 will end in June 30, 2012 not 2010.

<u>End</u>

C7E A Resolution Authorizing The Execution Of A Memorandum Of Understanding Between The City Of Miami Beach And Mount Sinai Medical Center Of Florida, Inc., For The Purpose Of Submitting A Grant Application To The Community Workforce Housing Innovation Pilot Program Administered By The Florida Housing Finance Corporation; Further, Retroactively Authorizing The Submission Of Said Grant Application.

(Economic Development)

ACTION: Resolution No. 2007-26430 adopted. Kevin Crowder to handle.

A Resolution Finding And Declaring The Existence Of A Parking Emergency And Allowing The Miami Beach Senior High School Parent Teacher Association (MBSH-PTA), A Not-For-Profit Entity, To Utilize The Public Swale Area Located At Dade Boulevard, Adjacent To The School, To Provide Additional Parking From February 15-19, 2007, For The Miami International Boat Show, Through A Fundraising Event; Further Providing That The Swale Area Be Utilized Exclusively By The MBSH-PTA Subject To The Conditions Set Forth In This Resolution.

(Tourism & Cultural Development)

ACTION: Item separated for discussion by Commission Libbin. Resolution No. 2007-26431 adopted as amended. Motion made by Commissioner Bower to approve the item at the \$20 rate; seconded by Commissioner Libbin; Voice-vote: 7-0. Max Sklar to handle.

## **Amendment:**

The 5<sup>th</sup> WHEREAS clause items number 8 change the \$15.00 to \$20.00.

# **End**

Commissioner Libbin stated that he separated this item because the request made by the MBSH-PTA is to rent the space for \$20 and the Administration in recommending \$15. He does not think it is up to the City to regulate the amount charged. The market regulates the price.

Saul Frances, Parking Department Director, stated that the \$20 request is above the structure of the fees of the City of Miami Beach Parking Department charges.

Commissioner Bower stated that she agrees with Commissioner Libbin and this is a fundraiser.

Jorge Gonzalez, City Manager, stated that part of the area being used for the fundraiser is the swale area which is city property. He pointed out that the city charges a \$15 rate.

C7G A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Proposals Pursuant To Request For Proposals (RFP) No. 07-06/07, For Comprehensive Professional Tennis Management And Operations At The City's Flamingo And North Shore Tennis Centers; Authorizing The Administration To Enter Into Negotiations With The Top Ranked Proposer, Greensquare, Inc; And Should The Administration Not Be Successful In Negotiating An Agreement With The Top Ranked Proposer, Authorizing Negotiations With The Second Ranked Proposer Francisco Montana & Son; And Further Authorizing The Mayor And City Clerk To Execute An Agreement Upon Conclusion Of Successful Negotiations By The Administration.

(Parks & Recreation)

ACTION: Resolution No. 2007-26432 adopted. Kevin Smith to handle.

Handout or Reference Materials:

- 1. Fax letter from Francisco Montana, M & S Tennis Services, Inc, to Jorge Gonzalez, City Manager, Dated January 16, 2007, RE: Bid protest to RFP No. 07-06/07
- 2. Letter to Francisco Montana from Jorge Gonzalez, dated January 16, 2007 Re: Request for proposal (RFP) No. 07-05/06 for comprehensive professional tennis management and operations at the City's Flamingo and North Shore Tennis Centers.

C7H A Resolution Approving And Authorizing The Mayor And City Clerk To Execute Amendment No. 1 To The Contract With Superior Landscaping And Lawn Service, Inc. For Citywide Landscape Services, For Phase Two Of The Julia Tuttle, In The Amount Of \$265,000 For Landscape Restoration And Beautification Services At The Julia Tuttle Causeway Site.

(Parks & Recreation)

ACTION: Resolution No. 2007-26433 adopted. Kevin Smith to handle.

C7I A Resolution Approving Pursuant To Section 2-367 (d) Of The Miami Beach City Code, The Sole Source Purchase And Installation Of Addapave TP And Healthy Tree Fertilization Tree Pit Systems Along Lincoln Road, From Chameleon Ways, Inc., And U.S. Foundry & MFG. Corp., In The Estimated Amount Of \$252,733.

(Parks & Recreation)

**ACTION: Resolution No. 2007-26434 adopted.** Kevin Smith to handle.

C7J A Resolution Retroactively Approving And Authorizing The Mayor And City Clerk To Execute An Interlocal Agreement Between The City Of Miami Beach And Miami-Dade County, Florida, Securing Off-Duty City Of Miami Beach Police Officers To Perform Guard Services For The Palm And Hibiscus Island Security Guard Special Taxing District, Said Agreement Commencing Retroactively On October 1, 2006 And Expiring On September, 2009.

(Police Department)

ACTION: Resolution No. 2007-26435 adopted. Chief De Lucca to handle.

C7K A Resolution Approving And Allowing The Police Athletic League (PAL), A Not-For-Profit Entity, To Utilize The Public Swale Area, Located At Dade Boulevard And Prairie Avenue, Adjacent To Miami Beach Senior High School, And/Or In Close Proximity To City Hall, For A Fund Raising Event To Operate A Food Concession Stand, From February 14-20, 2007, During The Miami International Boat Show; Further Providing That Said Public Swale Be Utilized By PAL Subject To The Following Conditions: (1) That 100% Of The Profits Generated From This Fundraiser Be Returned To PAL For Its Exclusive Use; (2) That The Subject Permission Is Granted Without Establishing Precedent; And (3) That PAL Provide A Certificate Of Insurance Or Other Proof Of Comprehensive Liability Insurance To The City, Naming The City As An Additional Insured.

(Police Department)

ACTION: Resolution No. 2007-26436 adopted. Chief De Lucca to handle.

C7L A Resolution Approving, Pursuant To Section 2-367 (d) Of The Miami Beach City Code, The Sole Source Purchase Of Trip Hazard Removal Services From Florida Sidewalk Solutions, In The Estimated Annual Amount Of \$75,000.

(Public Works)

**ACTION: Resolution No. 2007-26437 adopted.** Fred Beckmann to handle.

C7M A Resolution Approving And Authorizing The Mayor And City Clerk To Execute A Professional Services Agreement With Coastal Systems International, Inc., As The Top Ranked Firm Pursuant To Request For Qualifications (RFQ) No. 08-05/06, For Professional Architectural And Engineering Services For Design, Permitting And Construction Management Of The Atlantic Greenway Network "Beachwalk II" Project, In The Amount Of \$486,731; And Further Appropriating \$136,731 From The South Pointe Contingency Fund.

(Public Works)

**ACTION:** Resolution No. 2007-26438 adopted. Patricia Walker to appropriate funds. Fred Beckmann to handle.

End of Consent Agenda

# **REGULAR AGENDA**

# **R5 - Ordinances**

# 6:51:10 p.m.

R5A Conditional Use Approval For New Construction Of Structures 50,000 Square Feet And Over In Commercial Districts

An Ordinance Amending Chapter 142, "Land Development Regulations," Of The City Code; By Amending Section 142-273, "Conditional Uses," In The "CD-1 Commercial, Low Intensity District," Amending Section 142-303, "Conditional Uses" In The "CD-2 Commercial, Medium Intensity District," Amending Section. 142-333, "Conditional Uses" In The "CD-3 Commercial, High Intensity District," And Division 18, "PS Performance Standard District," By Amending Section 142-693 "Permitted Uses" In The "C-PS1, Commercial Limited Mixed-Use," "C-PS2, Commercial General Mixed Use," "C-PS3, Commercial Intensive Mixed-Use," And "C-PS4, Commercial Intensive Phased Bayside" Districts By Requiring Conditional Use Approval For New Construction Of Structures 50,000 Square Feet And Over, And Requiring That The First Step In The Development Review Process Shall Be The Conditional Use Review By The Planning Board; Providing For Repealer, Severability, Codification And An Effective Date. 5:05 p.m. Second Reading, Public Hearing.

(Planning Department)
(First Reading, Public Hearing on December 6, 2006)

**ACTION:** Public Hearing held. Ordinance No. 2007-3546 adopted. Motion made by Commissioner Steinberg; seconded by Commissioner Góngora; Ballot vote: 7-0. R. Parcher to transmit to Municipal Code. **Jorge Gomez to handle.** 

Marilyn Freundlich, Sunset Harbor area, spoke on the issue of party homes.

City Clerk's note: Ms. Freundlich spoke on the issue of party homes although this was not the item being discussed on the dais.

Handout or Reference Materials:

- 1. Ad in The Miami Herald
- 2. See folder regarding the mail notice.

# 6:56:51 p.m.

R5B Roofing Materials

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 142, "Zoning Districts And Regulations," Article IV, "Supplementary District Regulations," Section 142-875 "Roof Replacements" To Modify And Expand The Requirements For Roofing Materials In All Districts; Providing For Repealer, Codification, Severability And An Effective Date. **First Reading.** 

(Planning Department) (Deferred from December 6, 2006)

**ACTION:** Ordinance approved on First Reading. Motion made by Commissioner Libbin; seconded by Commissioner Góngora; Ballot vote: 7-0. Second Reading and Public Hearing scheduled for the February 14, 2007. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. **Jorge Gomez to handle.** 

Tom Mooney, Planning Department, spoke.

# 4:48:50 p.m.

R5C Lighting Associated With Marine Structures

An Ordinance Amending The Code Of The City Of Miami Beach, By Amending Chapter 142, "Zoning Districts And Regulations," Division 4, "Supplementary Yard Regulations," By Including Requirements For Lighting Associated With Marine Structures; Providing For Repealer, Severability, Codification And An Effective Date. **First Reading.** 

(Planning Department)

**ACTION: Ordinance approved on First Reading as amended.** Motion made by Commissioner Steinberg; seconded by Commissioner Bower; Ballot vote: 6-0; Absent: Commissioner Gross. Second Reading and Public Hearing scheduled for the February 14, 2007. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. **Jorge Gomez to handle.** 

#### Amendment:

Section 142-1132(I) "......Lighting associated with, but not limited to, the deck, vessel or marine structure shall ......"

### End

Jorge Gomez, Planning Director, introduced the item.

Commissioner Libbin asked if there is language in the City Code regulating light intrusion from a neighbor's property. He stated that the ordinance should be expanded to not allow lighting to disturb the neighbors.

Gary Held, First Assistant City Attorney, stated that this ordinance has been following the marine structure regulation and a referral would be needed to address Commission Libbin's issue as stated above.

# 2:25:44 p.m.

R5D Ocean Front Lot Height Requirements

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," By Amending Division 3, "Residential Multifamily Districts," By Amending Subdivision V, "RM-3 Residential Multifamily High Intensity," To Modify The Maximum Building Height Requirements For Properties Located In Historic Districts; Providing For Repealer, Codification, Severability And An Effective Date. **First Reading.** 

(Planning Department)

**ACTION:** Item referred to the Land Use and Development Committee without objection. **Jorge Gomez to place on the committee agenda and handle.** 

Commissioner Gross stated that there hasn't been much discussion on this issue and it has not been to Land Use and Development Committee.

Commissioner Libbin stated that he would like the ordinance to go to the Land Use and Development Committee and to inform the public.

# 5:07:28 p.m.

An Ordinance Amending Chapter 142, "Zoning Districts And Regulations," Of The City Code, By Amending Division 2, "RS-1, RS-2, RS-3, RS-4 Single-Family Residential Districts," By Adding New Section 142-109 Entitled "Commercial Use Of Single Family Homes Prohibited"; Providing For Repealer, Severability, Codification And An Effective Date. First Reading.

(City Manager's Office)

ACTION: Ordinance approved on First Reading as amended by the revised ordinance distributed at the dais and referred to the Land Use and Development Committee for discussion related to parking and charitable events. Motion made by Commissioner Bower; seconded by Commissioner Gross; Ballot vote: 6-1; Opposed: Commissioner Góngora. Second Reading and Public Hearing scheduled for the March 14, 2007. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Jorge Gomez to place on the committee agenda. Hilda Fernandez to handle.

Concerns expressed:

Parking issues particularly valet parking and self parking

Charitable events - Notification

Robert Parcher, City Clerk, clarified that the ordinance before the City Commission is the one distributed at the dais.

Hilda Fernandez, Assistant City Manager, introduced the item giving a history of the development of the ordinance and explained the need for this legislation.

Alexander Heckler, Esq., Shutts & Bowens, representing Miami Beach Residents to Protect Homeowners Rights a Political Action Committee, spoke.

Aaron Resnick, Esq., Chairperson for the Miami Beach Residents to Protect Homeowners Rights, spoke.

Michael Capponi spoke.

Richard Freeman spoke.

Jason Clarke spoke.

Brad Meltzer spoke.

Judy Gilbert-Gould, from the Greater Miami Jewish Federation, spoke.

Gabrielle Redfern spoke.

Bob Switkes, Esq., spoke.

J. R. Ridinger spoke.

Esther Percal spoke.

Discussion continued.

Commissioner Góngora expressed his concern with doing a broad sweep when legislation is being passed. He is concerned that this alternate revised legislation puts conditions on charitable activities that presently do not exist and added that the revised language is still vague in certain areas as in section 142-109(b)(1)(a).

Jorge Gonzalez, City Manager, stated that some homeowners have figured out the loophole in the existing ordinance, and it is being exploited. This ordinance is trying to clarify what today is and is not allowed.

Discussion continued.

Commissioner Gross stated that he has a problem with the parking plan for charitable events because parking is not readily available in 90% of the City. This is a problem because the way it is presently being enforced the City is basically stating that charitable events can't be held.

Saul Frances, Parking Director, spoke.

Commissioner Steinberg is concerned with charitable organizations not knowing of this new requirement and how are they going to be notified.

Hilda Fernandez, Assistant City Manager, stated that there is no provision right now in the enforcement structure that provides a mechanism to do a courtesy notification for charitable events, but there could be a public information efforts.

Commissioner Steinberg requested the Administration to come up with a one time after-the-fact notification of charitable organizations and also notify homeowners between first and second reading.

Commissioner Góngora again stated that this ordinance is overly broad in its current form and should be referred back to the Land Use and Development Committee.

Michael Capponi spoke.

Commissioner Steinberg recommended creating a buffer around the residences where valet cannot park and allow an area farther away for valet parking. This will give the person who chooses not to use valet the prime spaces and the valet would be farther away.

# **R7 - Resolutions**

## 10:58:32 a.m.

R7A Extending the Waiver Approving the Miami Beach Convention Center for Conventions, Expositions or Events Involving Adult Materials

A Resolution Amending Resolution No. 2005-26081, And Extending, On First Reading, The Approval Of The Miami Beach Convention Center As A Venue For Conventions, Expositions Or Events Involving Adult Materials Until January 14, 2013, Pursuant To The Provisions Of Section 847.0134, Florida Statutes, And Setting A Second Reading And Public Hearing For A Time Certain At The February 14, 2007 City Commission Meeting. 10:30 a.m. First Reading, Public Hearing.

(Tourism & Cultural Development)

**ACTION:** First of two Public Hearings held. Second Public Hearing scheduled for February 14, 2007. Resolution No. 2007-26439 adopted. Motion made by Commissioner Libbin; seconded by Commissioner Góngora; Voice-vote: 7-0. Second Reading and Second Public Hearing is scheduled for February 14, 2007. R. Parcher to notice. Lilia Cardillo to place on the agenda. Max Sklar to handle.

Hilda Fernandez, Assistant City Manager, explained that this is an extension of the waiver for an additional five (5) years. There is a change from the previous approval which expands the available exhibit hall space on an as needed basis. The current waiver permitted only the use of Hall C. What is being requested is the use of Halls B and D as options should there be a need to expand a show and only permitting entrance to the show via Hall C. The Administration will never recommend using Hall A which is closest to Miami Beach Senior High. If additional halls are needed Hall B will be used first and then Hall D.

## Handout or Reference Materials:

1. Notice o in The Miami Herald

# 5:06:14 p.m.

A Resolution Approving Amendment One To The Development Agreement Between The City Of Miami Beach And AR&J SOBE, LLC, Approved On May 18, 2005, For The Development Of The Project Presently Referred To As "5th And Alton"; Said Amendment Extending The Definition Of The Term "Outside Date" As Said Term Is Defined By The Development Agreement, From Eighteen (18) Months Following The Effective Date Of The Development Agreement (Which Was May 18, 2005), To February 17, 2007. 2:30 p.m. First Reading, Public Hearing. (Economic Development) (Continued from December 6, 2006)

ACTION: Public Hearing held open and continued to February 14, 2007 at 2:30 p.m. by acclamation. Lilia Cardillo to place on the City Commission Agenda. Kevin Crowder to handle.

# 7:00:29 p.m.

R7C A Resolution Approving The City's Federal Legislative Agenda For First Session Of The 110th Congress.

(Economic Development)

**ACTION:** Resolution No. 2007-26440 adopted, the Federal Agenda was amended. Motion made by Commissioner Bower; seconded by Commissioner Libbin; Voice vote: 7-0. Kevin Crowder to handle.

# Amendment: Items added to the Federal Agenda:

- 1. Explore opportunities to make HUD support affordable housing eligible for FEMA reimbursement. Currently, items that are under the authority of or paid for by another Federal agency are not reimbursable.
- 2. Support efforts to increase the enforcement of the requirements of the Community Reinvestment Act. The Office of Thrift Supervision has published a proposed rule to realign their enforcement regulation of the CRA with other federal banking agencies' efforts. This will increase enforcement of the Act's provisions, and, according to the National Association of Housing and Redevelopment Officials (NAHRO), it will increase the effectiveness of the Low Income Housing Tax Credit program.

# 7:02:32 p.m.

R7D A Resolution Approving The City's State Legislative Agenda For The 2007 Session Of The Florida Legislature.

(Economic Development)

ACTION: Resolution No. 2007-26441 adopted, the State Agenda was amended. Approved without objections. Kevin Crowder to handle.

Amendment: Items added to the State Agenda:

# **Condominium Reform**

<u>Included in the Agenda:</u> Increase the disclosure requirements and the level of detail that must be included in engineering report results for condominium conversions, and create a conduit financing mechanism for major condominium repairs.

Neighborhoods Committee Recommendation (1/11/07) – Approved pending further committee discussion:

- 1. Increase the disclosure requirements and level of detail that must be included in engineering report results for condominium conversions, and require that these items be provided to all unit owners once per year:
  - a. Outstanding violations:
  - b. Date of recertification
  - c. Status of capital replacement and repair reserve funds, certified by a CPA;
  - d. Current capital contracts;
  - e. Litigation;
  - f. Outstanding municipal or contractor liens;
  - g. All municipal licenses and uses for the premises.
- 2. Create a conduit financing mechanism for major condominium repairs;
- 3. Expand content of the municipal letter to include building code violations;
- 4. Require resolution of all outstanding building code violations prior to State approval of a conversion:

- 5. Require that items required to be disclosed and submitted to the State be submitted to the municipality;
- 6. Reduce initial recertification requirement for condominium buildings from forty to twenty years, with renewal every ten years thereafter;
- 7. Authorize local government to require that condominium associations provide confirmation that all unit owners have been noticed of all common area code violations, prior to occupational license renewal.

## Renewable Energy

Research innovative programs and funding opportunities for potential renewable energy initiatives in Miami Beach. Follow the recommendations of the House Energy Committee.

# **Portability Issues/Considerations**

The City supports portability of the homestead exemption in concept, and will monitor and evaluate proposed legislation to ensure that there is no negative impact on the City.

# **Affordable Housing / Property Tax**

Expand to include workforce housing up to 140% of Area Median Income.

# Abolish the prohibition against adoption by homosexuals in the State of Florida

Urging The Florida Legislature To Abolish The Prohibition Against Adoption By Homosexuals In The State Of Florida

Commissioner Libbin requested to add the same statement on renewable energy item which is on the Federal Agenda to the State Agenda. Also on page 315 add the word "workforce personnel" after the word "affordable". The changes were accepted without objections. **Kevin Crowder to handle.** 

Kevin Crowder, Economic Development Director, spoke.

Commissioner Gross is willing to give his written statement on the condominium reform. For example, he is concerned with the status of the capital replacement and repair reserve fund certified by a Certified Public Accountant (CPA). This is an engineering calculation.

Commissioner Libbin responded that he made the suggestion that a Certified Public Accountant (CPA) certify that the money is there.

Commissioner Bower stated that she is aware that it will be very difficult to have all of the condominium reforms adopted but this is more of an awareness issue. She asked Commissioner Gross to please accept them.

Commissioner Gross stated that he will give his written comments. He is also questioning item #4 "requiring resolution of all outstanding building code violations prior to state approval of the conversion."

Mayor Dermer suggested passing the State Agenda, separating Commissioner Gross' issues at this time and Commissioner Gross will prepare a written response which can be discussed at the February Commission meeting.

Commissioner Gross suggested that the City of Miami Beach should go on record as being in favor of homestead exemption portability.

Commissioner Steinberg stated that the City should make a statement in favor of portability because the State's assumption is that the municipalities are not in favor of it and since the City of Miami Beach is in favor, we should go on record stating that the City of Miami Beach supports portability. He

commended Commissioner Gross for raising the issue. Kevin Crowder to handle.

Kevin Crowder, Economic Development Director, spoke.

Jorge Gonzalez, City Manager, stated that what is being discussed is that the municipal ad-valorem budget growth cannot exceed 3% or CPI whether it is a homesteaded, non-homesteaded, commercial, or residential property. The budget will grow by 3% or CPI only.

Commissioner Gross asked if the exemption for historic building valuation was approved.

Kevin Crowder, Economic Development Director, stated that this was approved by the voters in 1997 as an amendment to the Constitution, approved by the legislation in 1998, and adopted by Miami-Dade County in 1999. This is not automatic and it requires an application by the property to Miami-Dade County before March 1<sup>st</sup>.

Commissioner Gross requested this information from Kevin Crowder and stated that this should be advertised broadly to let the property owners know. **Kevin Crowder to handle.** 

Commissioner Steinberg suggested sending a letter to the affected property owners with the application advising them that they can apply to the historic building valuation. **Kevin Crowder to handle.** 

Commissioner Gross suggested passing the item and amending it later. Approved without objections.

### Handout or Reference Materials:

1. List of Condominium Reform. Page 315.

# 2:26:42 p.m.

A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Firms Pursuant To Request For Proposals (RFP) No. 37-05/06 For The Purchase Of Single Space Parking Meter Mechanisms For The City's Parking System; Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Firm Of Mackay Meters, Inc., And Should The Administration Not Be Able To Negotiate An Agreement With The Top-Ranked Firm, Authorizing The Administration To Negotiate With The Second-Ranked Firm Of POM, Inc.; And Further Authorizing The Mayor And City Clerk To Execute An Agreement Upon The Completion Of Successful Negotiations By The Administration.

(Parking Department)

**ACTION:** Resolution No. 2007-26442 adopted. Motion made by Commissioner Steinberg; seconded by Commissioner Libbin; Voice-vote: 7-0. Saul Frances to handle.

### 10:50:46 a.m.

R7F A Resolution Approving The Concept Plan Design, As Submitted By UNIDAD Of Miami Beach, Inc., For The Proposed Capital Improvements, Renovations, And Rehabilitation Of The North Beach Senior Center, Located At 7251 Collins Avenue, Miami Beach, Florida, And As Said Concept Plan Was Submitted And Reviewed By The City Manager, And Approved By The City's Planning Board At Its November 28, 2006, Meeting; All As Further Required Pursuant To The Management And Operation Agreement Between The City And UNIDAD, Dated September 6, 2006 (And Approved Pursuant To Resolution No. 2006-26325).

(Economic Development)

**ACTION:** Resolution No. 2007-26443 adopted. Motion made by Commissioner Steinberg; seconded by Commissioner Bower; Voice-vote: 7-0. Kevin Crowder to handle.

Jorge Gonzalez, City Manager, introduced and explained the item.

Victor Diaz, President of the Board of Directors for UNIDAD, welcomed newly elected Commissioner Góngora. He introduce project architect Rene Gonzalez and presented the revised concept plan and model.

Commissioner Libbin recognized Daniel Veitia, President of North Beach Development Corporation, NBDC, who was present in the audience, for all the work of the Corporation.

# 2:23:49 p.m.

R7G Improvement To The Water & Sewer Pump Stations.

A Resolution Approving And Authorizing The Mayor And The City Clerk To Execute Amendments No.18 And No. 19, Respectively, To The Existing Agreement Between The City Of Miami Beach And Camp Dresser & McKee, Inc. (CDM), Dated July 18, 1992, For \$129,442; For Professional A/E Services For The Water And Waste Water Pump Stations Upgrades Project As Follows: Amendment No. 18, In A Negotiated Amount Of \$277,186, For Additional Professional Engineering And Resident Inspection Services, With Funding To Be Appropriated From Gulf Breeze 2006, Fund 423; And Amendment No. 19, In A Negotiated Amount Of \$66,950, For Additional Professional Services Related To Odor Control And Screening Handling At Pump Stations No. 1 And No. 28, With Funding Available From Previously Appropriated Gulf Breeze 2006 Fund No. 423.

**ACTION:** Resolution No. 2007-26444 adopted. Motion made by Commissioner Steinberg to approve the item; seconded by Commissioner Góngora; Voice-vote: 7-0. Patricia Walker to appropriate funds. Jorge Chartrand to handle.

2. A Resolution Approving And Authorizing Change Order No. 5, In The Amount Of \$416,643, To Widell, Inc., The Contractor; With Funding To Be Appropriated From The Gulf Breeze 2006 Fund No. 423, For The Water And Wastewater Pump Station Upgrades Project.

ACTION: Resolution No. 2007-26445 adopted.

 A Resolution Approving And Authorizing Change Order No. 6, In The Amount Of \$625,407, To Widell, Inc., The Contractor; With Previously Appropriated Funds From The Fiscal Year 2006-2007 Capital Budget Gulf Breeze 2006 Fund No.423, For Sewer Station Odor Control, For The Water And Wastewater Pump Station Upgrades Project. (Capital Improvement Projects)

ACTION: Resolution No. 2007-26446 adopted. Jorge Chartrand to handle.

Jorge Chartrand, Director of the Capital Improvement Projects (CIP) Office, introduced and explained the item.

# 2: 22:17 p.m.

A Resolution Accepting The City Manager's Recommendation Relative To The Ranking Of Contractors Pursuant To Invitation To Bid (ITB) No. 17-06/07 For Multi-Purpose Municipal Parking Garage "Bid Package 02 - Piling And Retaining Walls, And Authorizing The Administration To Enter Into Negotiations With The Top Ranked Contractor Of Ebsary Foundation Company, Inc.; And Upon Conclusion Of Successful Negotiations, Further Authorizing The Mayor And City Clerk To Execute An Agreement With Ebsary Foundation Company, Inc., In The Estimated Amount Of \$1,711,000; And Should The Administration Not Be Able To Successfully Negotiate An Agreement With Foundation Company, Inc., Authorizing The Administration To Enter Into Negotiations With The Second Ranked Contractor Of HJ Foundation; And, Further, Authorizing The Mayor And City Clerk To Execute An Agreement With HJ Foundation, In The Estimated Amount Of \$1,592,000, Further Authorizing The Administration To Reject All Bids In The Event That Successful Negotiations Are Not Reached With Neither The Top Nor The Second Ranked Contractor.

(Procurement)

**ACTION:** Resolution No. 2007-26447 adopted. Motion made by Commissioner Steinberg; seconded by Commissioner Góngora; Voice-vote: 6-0; Absent: Commissioner Gross. **Jorge Chartrand to handle.** 

# 1:02:04 p.m.

A Resolution Rejecting All Bids Received Pursuant To Invitation To Bid (ITB) No. 09-06/07 For Construction Services For The South Pointe Park Improvements Project, And Authorizing The Administration To Issue A New Bid For Said Project.

(Procurement)

**ACTION: Resolution No. 2007-26448 adopted.** Motion made by Commissioner Libbin; seconded by Commissioner Steinberg; Voice-vote: 7-0. Gus Lopez and Jorge Chartrand to handle.

Jorge Gonzalez, City Manager, stated that the City wants to implement the BODR which has been designed and approved for South Pointe Park. The City still has the ability to pursue the construction with the developer of The Related Group's Apogee project. When the Related Group submitted their bid price to the Administration it was higher than expected. The City's estimator indicated the prices should have been at a lower number. The Administration re-negotiated with The Related Group to allow the Administration to test the market. The bidders qualifications, rank order, the price, and the valuation criteria minimum requirements were reviewed. The Administration and the Legal Department have determined that neither bidder met the minimum requirements and are therefore non-responsive. This item rejects the bids, authorizes the City to issue a new bid and to bring back to the Commission a recommendation in March to either select a bidder or have The Related Group handle the construction. This is a bid protest. Both firms have indicated that they meet the minimum requirements. From a technical perspective, when both firms were deemed to be non-responsive, technically there is no bid before the Commission. He added that the City's history has always been to allow the individuals to speak. He stated that his recommendation is to reject both bids and get Commission authorization to issue a new invitation to bid. He stated that he is not stating that the bidders cannot do this work, but his recommendation is based on the bid criteria established and the minimum requirements; neither bidder meets the minimum requirements. From a legal perspective the requirements cannot be waived because they are material deficiencies in the bids which can not be waived. If awarded to one or the other, the City is likely to end up in litigation with the losing firm. The Administration is trying to find the best, most expeditious way, to get construction started.

Commissioner Libbin asked what was not met by the bidders.

Raul Aguila, First Assistant City Attorney, stated that both bids failed to comply with the minimum criteria of the bid. He stated that he wanted to adopt for the record the responses which were sent to each bidder from the City Attorney's office on January 11, 2007 and January 16, 2007. He explained the process for determining if a bid is responsive or not. He also advised the Commission that determinations pursuant to the City's bid protest on responsiveness are binding on all parties. If a bidder does not agree with the City Manager's findings then the bidder has the right to protest further in Circuit Court.

Jose Smith, City Attorney, stated that the Commission has no jurisdiction to overrule the findings of the City Manager.

Raul Aguila, First Assistant City Attorney, stated that the recourse in the City Code is for an aggrieved bidder to file an action in Circuit Court.

Vice-Mayor Cruz asked if the City Commission has any standing to overturn the decision.

Jose Smith, City Attorney, stated the Commission has no authority to overturn the decision. This is in the nature of a due process hearing which the bidders have a right to present their evidence. Perhaps they can convince the City Manager. The purpose of the presentations is to set a record which could be used if either party files an action in Circuit Court.

Raul Aguila, First Assistant City Attorney, explained in detail why both bids were rejected.

Commissioner Gross asked if the Risk Assessment will be amended.

Mr. Jorge Chartrand, Director of the Capital Improvement Projects (CIP) Office, stated that this will be looked at particular because of the benefit of having both Risk Assessments. He stated that he is not certain that the Risk Assessment significantly influenced the project value or project scope, but there is the opportunity and it will be looked at along with the bid criteria.

Jose Smith, City Attorney, asked Raul Aguila to respond to A2's letter that part performance is sufficient and that a completed project is not what the bid contemplated.

Raul Aguila, First Assistant City Attorney, elaborated on the January 16 letter response.

Pedro Munilla, Magnum Construction Management Corporation (MCM), made a presentation.

Juan Munilla, MCM, spoke.

Neisen Kasdin, Esq., representing A2 Group, Inc., made a presentation.

Alberto Ribas, A2 Group, Inc., spoke.

Jorge Gonzalez, City Manager, following the presentations and discussions, stated that the Administration's recommendation to the City Commission is based on sincere desire to expedite this project. If one bidder is chosen over the other the City will be in litigation. The most expeditious, cleanest, and fairest way to accomplish building the park is to reject the bids, the Administration review the minimum requirements to make sure they are not so restrictive as to preclude the majority of the builders and bring back an item in March. This is how to make this project move the fastest.

Commissioner Libbin made a motion to accept the Administrations recommendation and stated that in order to move forward with building the park; seconded by Commissioner Steinberg.

## Handout or Reference Materials

- 1. Booklet from MCM titled: Demonstration that MCM's qualifications exceed bid requirements for the construction improvements for South Pointe Park ITB-09-06-07Color
- 2. Letter to Neisen Kasdin, Esq. from Raul Aguila, First Assistant City Attorney, dated January 16, 2007 Re: City of Miami Beach invitation to Bid No. 09-06/07 for construction improvements for the City of Miami Beach South Pointe Park (ITB#:09-06/07).
- 3. Letter to A2 Group, Inc., Aberto G. Ribas, P.E., RLA, President, from Raul Aguila, First Assistant City Attorney, dated January 11, 2007 Re: City of Miami Beach invitation to Bid No. 09-06/07 for construction improvements for the City of Miami Beach South Pointe Park (ITB#:09-06/07).
- 4. Letter to MCM Corp. from Raul Aguila, First Assistant City Attorney, dated January 16, 2007 Re: City of Miami Beach invitation to Bid No. 09-06/07 for construction improvements for the City of Miami Beach South Pointe Park (ITB#:09-06/07).
- 5 Letter to MCM Corp. from Raul Aguila, First Assistant City Attorney, dated January 11, 2007 Re: City of Miami Beach invitation to Bid No. 09-06/07 for construction improvements for the City of Miami Beach South Pointe Park (ITB#:09-06/07).
- 6. E-mail from Frank DelVecchio to Robert Parcher dated January 3, 2007 RE: South Pointe Park Contractor Selection Process for the Development of South Pointe Park.
- 7. Document titled "The Bid Documents address the minimum qualifications to bid as follows: At page 27 Paragraph 11: (etc)
- 8. Document submitted by A2 titled: "Scores for ITB # 09/06/07
- 9. Letter Neisen Kasdin, Esq., to Jorge Gonzalez, City Manager, Dated January 15, 2007, RE: South Pointe Park Redevelopment Protest of Disqualification of all Bidders

- 10. Letter from Pedro Munila, MCM Corp, to Jorge Gonzalez, City Manager, dated January 16, 2007, RE: South Pointe Park (South Beach) ITB # 09-06/07, Request for reconsideration / Conditional Protest
- 11. Letter from Pedro Munila, MCM Corp, to Jorge Gonzalez, City Manager, dated January 16, 2007, RE: Construction Improvements for the City of Miami Beach South Pointe Park (South Beach) ITB # 09-06/07
- 12. Fax from Munilla Pedro, MCM Corp, to Maria Martinez, Assistant City Clerk, dated January 12, 2007, RE: Public records request.
- 13. Fax from Stephanie Law, Marketing Manager, A2 to Robert Parcher, City Clerk, Dated January 11, 2007, Letter that was E-mailed Yesterday
- 14. Letter from Gus Lopez, CPPO, Procurement Director, to Ms. Stephanie Rodriquez, dated January 8, 2007, RE: Public Record Requests for documentation in Reference to Invitation to Bid (ITB) No. 09-06/07
- 15. Copy of a letter from Pedro Munila, Vice-President, MCM Corp, to Jorge Gonzalez, City Manager, dated January 16, 2007, RE: Recommendation for award Construction Improvements for the City of Miami Beach South Pointe Park (South Beach ) ITB # 09-06/07
- 16. Copy of a document titled "South Pointe Park Construction Improvements for the City of Miami Beach ITB 09-06/07, (Performance Information Procurement System), Sarah Goodridge, M.S., PBSRG FIU, Performance Based Studies Research Group

# **R9 - New Business and Commission Requests**

R9A Board And Committee Appointments.

(City Clerk's Office)

# **ACTION:**

TL12/14

Art in Public Places: Mariangela Capuzzo Jeremey Chestler Elizabeth Resnick Rhonda Mitrani-Buchman James Weingarten	Term expires 12/08 Term expires 12/08 Term expires 12/08 Term expires 12/07 Term expires 12/08	City Commission Appointment TL12/10 City Commission Appointment TL 12/10 City Commission Appointment TL 12/12 City Commission Appointment TL 12/12 City Commission Appointment TL12/10
Beach Preservation Board: Michael Adler	Term expires 12/08	Appointed by Commissioner Libbin TL12/14
Beautification Committee: Dina Dissen Klein Tiva Leser	Term expires 12/08 Term expires 12/08	Appointed by Commissioner Libbin TL12/13 Appointed by Commissioner Cruz TL12/12
Board of Adjustment: Laurence Herrup (CPA) Jason Loeb (General Bus.) Roberto Sanchez III (At-Large) Herbert Gopman (Eng.) Roberto DaTorre (Real Est. Dev.) David Lancz (Law) Seth Frohlich (At-Large)	Term expires 12/07 Term expires 12/07 Term expires 12/07 Term expires 12/08 Term expires 12/08 Term Expires 12/08 Term expires 12/08	City Commission Appointment TL12/09 City Commission Appointment TL12/07 City Commission Appointment TL12/09 City Commission Appointment TL12/09 City Commission Appointment TL12/09 City Commission Appointment TL12/10 City Commission Appointment TL12/10
Budget Advisory Committee: Alan Lips (CPA) Robert Newman Jonah Wolfson	Term expires 12/08 Term expires 12/08 Term expires 12/08	City Commission Appointment TL12/12 Appointed by Commissioner Libbin TL12/14 Appointed by Commissioner Góngora

**Committee on the Homeless:** 

Raul Gorfinkel Term expires 12/08 Appointed by Commission Libbin TL12/10
Patti Hernandez Term expires 12/07 Appointed by Mayor Dermer TL 12/10

Luis Maseda Term expires 12/08 Appointed by Commissioner Góngora TL12/14
Lisa Ware Term expires 12/08 Appointed by Commissioner Cruz TL12/13

**Committee on Quality Education in Miami Beach:** 

Merri Mann Term expires 12/08 Appointed by Commissioner Gross TL12/10

**Community Development Advisory Committee:** 

Matthew Cordis

Term expires 12/08
Alan Lips
Term expires 12/08
Rachel Umlas
Term expires 12/08
Appointed by Commissioner Cruz TL 12/14
Appointed by Commissioner Gross TL12/12
Appointed by Commissioner GóngoraTL12/14

**Community Relations Board:** 

Barbara Patchen Term expires 12/07 Appointed by Commissioner Cruz TL 12/14 Rabbi Elliot Peralson Term expires 12/08 Appointed by Commissioner Libbin TL12/14

**Convention Center Advisory Board:** 

Carole Taran Term expires 12/08 Appointed by Commissioner Góngora TL12/08

**Debarment Committee:** 

Robert Rabinowitz

Term expires 12/08

Appointed by Commissioner Góngora TL12/14\*\*\*\*

Appointed by Commissioner Góngora TL12/14

Appointed by Commissioner Góngora TL12/14

Appointed by Commissioner Góngora TL12/14

Steve Zack Term expires 12/08 Appointed by Mayor Dermer TL12/12

\*\*\*\* Resigned and appointed to the Safety Committee.

**Design Review Board:** 

Peter Chevalier (Urban Land Pln.) Term expires 12/08
Thomas DeLuca (Reg. Arch.)
Term expires 12/08
City Commission Appointment TL12/11
City Commission Appointment TL12/11
City Commission Appointment TL12/09

**Disability Access Committee:** 

Mike Lantz Term expires 12/08 Appointed by Commissioner Góngora TL12/09

**Fine Arts Board:** 

Carolina Beltran Term expires 12/08 Appointed by Commissioner Cruz TL12/12
Calvin Kohli Term expires 12/08 Appointed by Commissioner Gross TL12/14
Allison Krongold Sokol Term expires 12/08 Appointed by Commissioner Libbin TL12/13
Jason Wiesenfeld Term expires 12/08 Appointed by Mayor Dermer TL12/11

**Golf Advisory Committee:** 

M. Ronald Krongold

Term expires 12/08

Appointed by Commissioner Góngora TL12/14

Appointed by Commissioner Cruz TL12/12

**Hispanic Affairs Committee:** 

Alex DeGasperi Term expires 12/08 Appointed by Commissioner Gross TL12/12
Laura Levey Term expires 12/08 Appointed by Commissioner Cruz TL 12/14
Jared Lopez Term expires 12/08 Appointed by Commissioner Libbin TL12/13

## **Historic Preservation Board:**

<sup>\*\*</sup>Alan Lips resigned from this committee to belong to the Budget Advisory Committee

Term expires 12/08	City Commission appointment TL12/12
Term expires 12/08	City Commission appointment TL12/12
Term expires 12/08	City Commission appointment TL12/12
Term expires 12/08	City Commission appointment TL12/12
	Term expires 12/08 Term expires 12/08

# **Housing Authority:**

Milli Membiela (Lending Director) Term expires 10/11/10 Appointed by Mayor Dermer TL 10/11/10 Ada Llerandi (HA Comm.) Term expires 10/11/09 Appointed by Mayor Dermer TL 10/11/14

## **Loan Review Committee:**

Steve Zuckerman Term expires 12/08 Appointed by Commissioner Libbin TL 12/14

# **Marine Authority:**

Christopher Todd Term expires 12/07 Appointed by Commissioner Gross TL 12/14

# Miami Beach Commission on the Status of Women:

Laura Bruney	Term expires 12/08	Appointed by Commissioner Gross TL 12/13
Monica Harvey	Term expires 12/08	Appointed by Commissioner Cruz TL12/13
Jaqueline Hertz	Term expires 12/08	Appointed by Commissioner Cruz TL12/13
Debbie Leibowitz	Term expires 12/08	Appointed by Commissioner Gross TL 12/11
Elissa Ragone	Term expires 12/08	Appointed by Commissioner Góngora TL 12/13

# Miami Beach Cultural Arts Council:

lleana Bravo-Gordon	Term expires 12/09	City Commission Appointment TL12/11
Chae Dupont	Term expires 12/08	City Commission Appointment TL12/12
Anthony Japour	Term expires 12/09	City Commission appointment TL12/12
Solomom Genet	Term expires 12/07	City Commission Appointment TL12/12
Lidia Resnick	Term expires 12/09	City Commission Appointment TL12/09
Merle Weiss	Term expires 12/09	City Commission Appointment TL12/09

It was mentioned at the meeting that Alfredo Richard resigned from this board.

# **Oversight Committee for General Obligation Bond:**

Scott Needle	eman South Beach	Term expires 12/08	City Commission Appointment TL 12/08
Jeff Rynor	Middle Beach	Term expires 12/08	City Commission Appointment TL 12/11
Luis Salom	North Beach	Term expires 12/08	City Commission Appointment TL 12/11

# Parks and Recreational Facilities Board:

Donna Scharer Term expire 12/08 Appointed by Commissioner Cruz TL12/12

# **Planning Board:**

Cathy Leff (General bus.)	Term expires 12/08	City Commission Appointment TL12/10
Jorge Kuperman (Architect)	Term expires 12/08	City Commission Appointment TL12/10
Richard Kuper (Attorney)	Term expires 12/08	City Commission Appointment TL12/12

# **Police Citizens Relations Committee:**

Beverly Aberbach	Term expires 12/08	Appointed by Commissioner Gross TL 12/13
Robin Jacobs	Term expires 12/08	Appointed by Commissioner Libbin TL12/13
Michael Kadosh	Term expires 12/08	Appointed by Commissioner Góngora TL12/14
Sharon Kersten (TL 12/07)	Term expires 12/08	Appointed by Commissioner Cruz TL12/07
Regina Suarez	Term expires 12/08	Appointed by Commissioner Gross TL 12/09

# **Production Industry Council:**

Lisa Cole Term expires 12/08 Appointed by Commissioner Gross TL12/08 Tammy Green (TL 12/07) Term expires 12/08 Appointed by Commissioner Góngora TL12/07

**Public Safety Advisory Committee:** 

Yair Lapciuc Term expires 12/07 Appointed by Commissioner Libbin TL12/13

**Safety Committee:** 

Barbara Gilman Term expires 12/08 Appointed by Commissioner Cruz TL12/13
Jerry Marsch Term expires 12/08 Appointed by Mayor Dermer TL 12/13

Robert Rabinowitz Term expires 12/08 Appointed by Commissioner Góngora TL12/14

**Transportation and Parking Committee:** 

Robert Arkin Term expires 12/08 Appointed by Commissioner Libbin TL12/14
Jo Asmundson Rep. from the Miami Beach Community Development Corporation TE12/08

Jo Manning Rep from the MDPL TE12/08

**Visitor and Convention Authority:** 

Sidney Goldin (At-Large) Term expires 12/08 City Commission Appointment TL12/10 Steven Hass (General Manger.) Term expires 12/08 City Commission Appointment TL 12/18 City Commission Appointment TL12/11

R9A1 Board And Committee Appointments - City Commission Appointments. (City Clerk's Office)

### **Historic Preservation Board:**

Motion made by Commissioner Libbin to nominate Jeff Donnelly to the MDPL position. Motion approved by acclamation. Robert Parcher to handle.

The following individuals were nominated: Stolar, Mark Muhlard and Diane Downs to the At-Large seat. First Ballot Vote: Henry Stolar 3 votes, Diane Downs 3 votes, and Mark Muhlard 1 vote. Second Ballot Vote: Diane Downs 4 votes, and Henry Stolar 3 votes. Robert Parcher to handle.

Simon Nemni was nominated to the At-Large seat. Motion approved by acclamation. Robert Parcher to handle.

Erika Brigham was nominated to fill the Dade-Heritage seat. Approved by acclamation. Robert Parcher to handle.

# **Planning Board:**

Motion made by Commissioner Steinberg to reappoint Cathy Leff to the General Business seat, and Jorge Kuperman to the Architect seat; seconded by Commissioner Góngora. Motion approved by acclamation. Robert Parcher to handle.

Richard Kuper and Henry Stolar were nominated to fill the Attorney seat of the Planning Board. First Ballot Vote: Richard Kuper 6 votes, Henry Stolar 1 vote. Robert Parcher to handle.

# **Board of Adjustment:**

#1. Motion made by Commissioner Steinberg; seconded by Commissioner Bower to reappoint Jason Loeb to the General Business seat for one year. Motion approved by acclamation. Robert Parcher to handle.

#2. The Commission reappointed Roberto Sanchez III (At large), and Laurence Herrup (CPA) for a 1 year

term to the Board of Adjustment. Approved by acclamation. Robert Parcher to handle.

The following individuals were nominated: Herbert Gopman (Engineer), Roberto DaTorre (Real Estate Dev.), David Lancz (Law), and Seth Frohlich (At-Large) for a two year term to the Board of Adjustment. Motion approved by acclamation. Robert Parcher to handle.

## **Design Review Board:**

Motion by Commissioner Bower to reappoint Peter Chevalier to the Urban Land Planner seat, Thomas De Luca to the Registered Architect seat, and Steve Lefton to the Landscape Architect seat of the Design Review Board; seconded by Commissioner Góngora. Motion approved by acclamation. **Robert Parcher to handle.** 

### Miami Beach Cultural Arts Council:

The Commission reappointed Merle Weiss, Lidia Resnick, and Ileana Bravo-Gordon to the Miami Beach Cultural Arts Council. Approved by acclamation. **Robert Parcher to handle.** 

The following were nominated to the Miami Beach Arts Council. Solomon Genet, Anthony Japour, Chae Dupont, Jill Bauer, and Calvin Kohli; Ballot Vote: Solomon Genet 5 votes, Anthony Japour 6 votes, Chae Dupont 5 votes, Jill Bauer 2 votes, and Calvin Kohli 2 vote. Anthony Japour will have a three year term. A coin was flipped to determine who will have the two year term, and Chae Dupont will have a two year term and Solomon Genet will have a one year term. **Robert Parcher to handle.** 

## **Art In Public Places:**

Motion made by Commissioner Steinberg to reappoint Jeremy Chestler, James Weingarten, and Mariangela Capuzzio to the Art in Public Places; seconded by Commissioner Góngora. Motion approved by acclamation. **Robert Parcher to handle.** 

The following were nominated to Art in Public Places Committee: Calvin Kohli, Elizabeth Resnick, Rhonda Mitrani-Buchman, and Harvey Burstein to the. Ballot vote: Calvin Kohli 3 votes, Elizabeth Resnick 5 votes, Rhonda Mitrani-Buchman 5 votes, and Harvey Burnstein 1 vote. There was a tie of 5 votes for Elizabeth Resnick and Rhonda Mitrani-Buchman. The City Commission requested that the City Clerk flips a coin for the highest term. Elizabeth Resnick won. **Robert Parcher to handle.** 

# **Budget Advisory Committee:**

The following were nominated to fill the CPA seat on the Budget Advisory Committee. Alan Lips and Jeryl (Deede) Weithorn; Ballot Vote: Alan Lips 4 votes, Jeryl (Deede) Weithorn 3 vote. **Robert Parcher to handle.** 

## **Visitor and Convention Authority:**

The Commission reappointed nominated Elsie Sterling Howard for the At-Large seat, Sidney Goldin for the At-Large seat, and Steven Hass for the General Manager seat for the Visitor and Convention Authority. Approved by acclamation. **Robert Parcher to handle.** 

### **Oversight Committee for General Obligation Bond:**

Motion made by Commissioner Góngora to reappoint Luis Salom to the North Beach seat, Jeff Rynor to the Middle Beach Seat, and Scott Needleman to the South Beach seat of the Oversight Committee for General Obligation Bond; seconded by Commissioner Bower. Motion approved by acclamation. **Robert Parcher to handle.** 

Handout or Reference Materials:

- 1. One set of ballot for the Art in Public Places.
- 2. One set of ballot for the Budget Advisory Committee
- 3. One set of ballot for the Planning Board

- 4. Two Sets of ballots Historic Preservation Board #1, and Historic Preservation Board #2
- 5. LTC # 012-2007 dated January 16, 2007 Re: Art in Public Places vacancies with Résumés and applications attached.

# 2:56:00 p.m.

R9A2 Appointment Of Ada Llerandi For Commissioner To The Miami Beach Housing Authority, And Reappointment Of Milli Membiela For Commissioner To The Miami Beach Housing Authority.

(Requested by Mayor David Dermer)

**ACTION:** Mayor Dermer nominated Ada Llerandi to sever on the Miami Beach Housing Authority. Appointment approved without objection. **Robert Parcher to handle.** 

**ACTION:** Mayor Dermer nominated Milli Membiela to sever on the Miami Beach Housing Authority. Appointment approved without objection. **Robert Parcher to handle.** 

# 2:27:07 p.m.

R9B1

Dr. Stanley Sutnick Citizen's Forum. (1:30 p.m.)

### **ACTION:**

- 1)Felipe Azhena, Easy Riders Bike Taxi, advised the Commission and Administration that pedicabs will be in Miami Beach for the weekend of the Super Bowl.
- 2) Steve Ferentz explained an incident that occurred in 2005 during the Boat Show, in which he was threatened with arrest for interfering with the event; he has been searched for petitioning and passing out handbills on several occasions and added that first amendment rights are to be protected by the Police force and not infringed upon.

R9B2

Dr. Stanley Sutnick Citizen's Forum. (5:30 p.m.)

**ACTION: Not reached.** 

### 11:01:10 a.m.

R9C Discus

Discussion Regarding A Resolution Urging The Florida Legislature To Abolish The Prohibition Against Adoption By Homosexuals In The State Of Florida.

(Requested by Mayor David Dermer)

ACTION: Resolution No. 2007-26425 adopted. Motion made by Commissioner Góngora; seconded by Commissioner Bower; Voice vote 7-0. R. Parcher to transmit a copy of the Resolution to Governor Charlie Crist, Florida Senate President Ken Pruitt, and Florida House Speaker Marco Rubio.

Mayor Dermer stated that this issue deals with a law which he believes is a bad law that has been on the books since 1977. Florida is the only state in the United States which has an explicit band against gay adoption. He stated that he believes Miami Beach should take the lead to eliminate the prohibition. He will brief the City Commission after he has conversations with the Governor, Speaker and other members of the Legislature.

Commissioner Góngora stated that as a new Commissioner he is proud that Mayor Dermer placed this item on the agenda. He stated that he is friends with a number of homosexual couples that serve as foster parents and never understood the discrepancy in the law regarding foster parents and not be able to adopt.

Mayor Dermer asked that this item be added to the State Legislative Agenda. **Kevin Crowder to handle.** 

# 2:38:28 p.m.

Supplemental Materials – Color Pictures of life guard stands

R9D Discussion Regarding New Life Guard Stands Design And Competition.

(Requested by Commissioner Matti Herrera Bower)

**ACTION:** Discussion held.

# Final action:

Commissioner Gross stated that Bill Lane has already done pro bono work regarding the design of lifeguard stands and the Administration look into contracting with him to put together a master plan and design guides and take that to the Design Review Board (DRB). **Robert Middaugh to handle.** 

Robert Middaugh, Assistant City Manager, introduced the item.

Jorge Gonzalez, City Manager, stated that when the City starts replacing the lifeguard stands the slightly used ones could be sold to Miami-Dade County since they are interested in purchasing them. He asked if the Commission wants the Design Review Board (DRB) in the future to review the design of lifeguard stands.

Commissioner Libbin requested not to encumber the process when new lifeguard stands are needed; every year the City should have a process to determine if and where more lifeguard stands are needed. He suggested asking the Design Review Board for suggested guidelines. **Robert Middaugh to handle.** 

Commissioner Gross stated that the lifeguards should have some input into the criteria and the design of the stands. He explained that there were beautiful responses to a contest and he thought were going to be built.

Jorge Gonzalez, City Manager, stated that that some of those designs did not meet the necessary requirements of the lifeguards.

Daniel Veitia, NBCD, spoke.

Clotilde Luce stated that there were two recommendations approved at the Design Review Board (DRB) and it would be good to adopt them.

Commissioner Gross stated that the Administration should replicate the existing designs to the extent possible and make sure they meet the lifeguard criteria. In the short term, the Administration should also repair/paint the current stands and let the Design Review Board (DRB) approve them. **Robert Middaugh to handle.** 

Clotilde Luce stated that the reason this issue came up at the Design Review Board was because of the emergency situation but it would be good to have a transparent oversight for the construction of something that is very visible and has made the identity of the City; this is why the stand at Lummus Park is on all the ads. She stated that the Beach Preservation Committee also recommended adopting the recommendation of the Design Review Board (DRB). She stated that the idea of Lummus Park is so popular because it is seen as an ensemble and she recommends having ensembles and clusters depending on the area which will give them identity.

Jorge Gonzalez, City Manager, suggested having the Design Review Board (DRB) develop criteria for design and have the Design Review Board staff review each individual guard stand.

Bill Lane, architect, spoke.

Afteraction January 17, 2007 City of Miami Beach

Commissioner Gross stated that Bill Lane has already done pro bono work regarding the design of life guard stands and for the Administration to look into contracting with him to put together a master plan and design guides and take that to the Design Review Board (DRB). **Robert Middaugh to handle.** 

# Handout or Reference Materials:

- 1. North Beach Development Corporation "Miami Beach Lifeguard Stands" presented to the City Commission. Copy of a PowerPoint presentation on the lifeguard stands.
- 2. A page of color photographs "Lummus Park lifeguard stands series 1996-2007."

# 4:50:36 p.m.

R9E Discussion Regarding The Sail Boats Anchoring Behind Residential Homes In Miami Beach. (Requested by Vice-Mayor Simon Cruz)

ACTION: Discussion held.

## **Final Action:**

Vice-Mayor Cruz will meet with Jose Smith, City Attorney, to discuss further.

Bunny Patchen stated that the Marine Patrol have been doing a super job since the last ordinance was passed, but the seven day rule is not working. Also there is no Marine Patrol in the evenings so there is no security for the waterfront homes and there is no privacy. It feels like being in a fishbowl. She would like to designate a buffer zone of 300 ft or 350 ft off the dockage, with the Marine Patrol enforcing the buffer zone. She presented pictures showing where the boats are in relation to the dockage.

Dale Twist, Marine Patrol Sergeant, spoke.

Jorge Gonzalez, City Manager, stated that what Ms. Patchen has suggested was tried some time ago at the State level. It is setting a distance separation or a no parking zone along the waterfront residential homes. This was contemplated when this ordinance was initially passed but were not able to accomplish it. This is not the ideal ordinance but is something that the City can enforce and the best given the jurisdictional authority that the City has and what the States preempts. He explained that he has met with the Police Department and they are proactive in their efforts by speaking to each boater to inform them what is or is not allowed. The ordinance allows for bad weather or mechanical repairs so the boater will not be forced into a dangerous situation.

Gary Held, First Assistant City Attorney, stated that the problem with the distance separation issue is there would need to be markers and the city would not be able to get permits from the State. He explained that the State recently amended the Statute encouraging mooring fields.

Jose Smith, City Attorney, stated that under State law the city can only regulate vessels that are outside of navigation and by creating a distance separation the City will be infringing on the State's authority. The city can regulate live-a-boards; provided they meet the criteria in the ordinance, but if they are no live-a-boards the city has no jurisdiction to regulate them. This is the challenge.

Dale Twist, Marine Patrol Sergeant, spoke.

Discussion continued.

Bunny Patchen asked if there could be signage installed.

Vice-Mayor Cruz stated that the best solution is the distance separation and he would refer this to the Marine Authority to see if there are any legal issues that prohibits this.

Jose Smith, City Attorney, stated there is a legal issue and the Florida Statute was amended specifically stating that local government authorities are prohibited from regulating the anchoring outside mooring fields of non live-a-board vessels in navigation.

Vice-Mayor Cruz stated that he will meet with the City Attorney to come up with some solution and will inform Bunny Patchen.

# Handout or Reference Materials:

- 1. Color photos submitted by Bunny Patchen showing where boats are anchoring relative to her dock.
- R9F Discussion Regarding Creation Of A Blue-Ribbon Committee To Discuss Election Reform For City Commission Races.

(Requested by Commissioner Matti Herrera Bower)

**ACTION:** Not reached.

# 2:33:06 p.m.

R9G Discussion Regarding Gold Star Parking System's [Gold Star, Inc] Concession Agreement For Valet Parking Services At City Properties.

(Parking Department)

**ACTION:** Discussion held.

# Resolution No. 2007-26732.

Motion made by Commissioner Bower to consent to the assignment of the new operator under the existing term and conditions of the agreement; seconded by Commissioner Gongora; Voice vote: 6-0; Absent: Vice-Mayor Cruz. In addition, the valet parking rate was increased from \$10 to \$15 and the Administration to negotiate the return to the City. **Saul Frances to handle.** 

Jorge Gonzalez, City Manager, stated that Gold Star Parking has apparently sold a majority interest in the company to another provider. The structure will be 75% split, with Gold Star retaining a 25% minority split. He stated that there are about 18-months left in the initial contract which was awarded to Gold Star. After reviewing the credentials of the new business partner, he is not entirely confident that they would be the firm which would be selected in an RFP process. He stated that he is concerned with the quality to service.

Mayor Dermer stated to continue with the contract for the 18-months.

Jorge Gonzalez, City Manager, stated that the assignment is guaranteed for 18-months or less if they don't perform. He added there will be some performance standards that will be required from Live Nations, Art Basel and other high-end performers and the Administration wants to add the performance standards to the contract. This was approved by acclamation of the City Commission.

Mr. Artie Schultz, for the record stated "accepted, no problem."

Gerald Schwartz, Esq., stated for the record that the correct name is Gold Star, Inc.

Robert Middaugh, Assistant City Manager, asked the City Commission to consider raising the valet rates from \$10 to \$15 and to renegotiate the return to the City pursuant to their extended contract. There was no objection from the City Commission to raising the rate to \$15. **Saul Frances to handle**.

Handout or Reference Materials:

1. Résumé of Jorge Zuluaga including financial statement.

# Reports and Informational Items

A City Attorney's Status Report.

(City Attorney's Office)

**ACTION:** Written report submitted.

B1 Parking Status Report - October 2006.

(Parking Department)

**ACTION:** Written report submitted.

B2 Parking Status Report - November 2006.

(Parking Department)

**ACTION:** Written report submitted.

C Status Report On The Rehabilitation Of The Existing Building And Construction Of The New Fire Station No. 2.

(Capital Improvement Projects)

**ACTION:** Written report submitted.

D Status Report On The Construction Of Fire Station No. 4. (Capital Improvement Projects)

**ACTION:** Written report submitted.

E Status Report On The Normandy Isle Park And Pool Project. (Capital Improvement Projects)

**ACTION:** Written report submitted.

F Informational Report To The Mayor And City Commission, On Federal, State, Miami-Dade County, U.S. Communities, And All Existing City Contracts For Renewal Or Extensions In The Next 180 Days. (Procurement)

**ACTION:** Written report submitted.

**End of Regular Agenda** 

# Miami Beach Redevelopment Agency

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive January 17, 2007

Chairman of the Board David Dermer Member of the Board Matti Herrera Bower Member of the Board Simon Cruz Member of the Board Michael Góngora Member of the Board Saul Gross Member of the Board Jerry Libbin Member of the Board Richard L. Steinberg

Executive Director Jorge M. Gonzalez Assistant Director Tim Hemstreet General Counsel Jose Smith Secretary Robert E. Parcher

# **AGENDA**

## OLD BUSINESS

A Report Of The Itemized Revenues And Expenditures Of The Miami Beach Redevelopment Agency's City Center District & South Pointe (Pre-Termination Carry Forward Balances) For The Month Of October 2006.

(Finance Department)

**ACTION:** Written report submitted.

B Report Of The Itemized Revenues And Expenditures Of The Miami Beach Redevelopment Agency's City Center District & South Pointe (Pre-Termination Carry Forward Balances) For The Month Of November 2006.

(Finance Department)

**ACTION:** Written report submitted.

## 11:05:26 a.m.

- NEW BUSINESS
  - A Resolution Of The Chairman And Members Of The Miami Beach Redevelopment Agency (RDA) Approving And Authorizing An Initial Appropriation Of \$500,000 From City Center/ Historic Convention Village (City Center) Redevelopment Agency Funds, To Miami Beach Community Development Corporation (MBCDC), A Not For Profit Community Development Corporation, For The Purpose Of Providing Funds To MBCDC For The Initial Required Deposits For MBCDC's Proposed Purchase Of The Following Three Properties Located Within The City Center RDA: 1940 Park Avenue; 1965-1975 Washington Avenue; And 2001 Washington Avenue, For The Purchase Price Of \$13,700,000; With The Afrorestated Properties, Which Are Also Historically Designated Structures To Be Acquired, Restored, Renovated, Operated And Maintained By MBCDC For The Express Purpose Of I) Preserving These Historic Structures Within The City Center RDA, And II) Maintaining A Designated Number Of Rehabilitated/Renovated Units Within The Properties As Affordable Housing For

Low To Moderate Income Individuals; As Provided For In, And In Conformance With The Provisions Of The City Center/Historic Convention Village Redevelopment And Revitalization Area Plan; Provided Further, That In The Event That MBCDC Does Not Proceed With Closing Of The Subject Properties, Then It Shall Reimburse The RDA For The Aforestated Deposits, In The Amount Of \$500,000.

(Economic Development)

**ACTION:** Resolution No. 540-2007 adopted. Motion made by Vice-Mayor Cruz to avail the \$500,000 to continue but it should go to the Finance and Citywide Projects Committee and then there should be a philosophical discussion of the City Commission as to where it the Commission wants to take this City; seconded by Commissioner Bower. Patricia Walker to appropriate the funds and place on the agenda. Hilda Fernandez to handle.

Jorge Gonzalez, City Manager, introduced the item.

Mayor Dermer requested to consider the merits of this purchase as a real estate transaction separate from the affordable housing issue. He stated that the purchase price is a good market price for this property.

Commissioner Gross is concerned with the format and the funding of it. He explained that the City has always been a channel for federal, state and county grants, and this the first time the City has taken taxpayers dollar to buy property. The City has successfully partnered with the MBDC in the past. He stated that he is trying to understand why the recommendation is to use taxpayer's money versus other grants and becoming landlords.

Discussion continued.

Commissioner Gross stated that he is not objecting t this but wants to make sure that all options with private partners have been explored because the City has been able to obtain significant affordable housing projects with Miami Beach Community Development Corporation (MBCDC) without the City funding. He stated that this issue has not gone to the Finance and Citywide Projects Committee to find out what will be the cost to renovate these buildings and what the unit mix is going to be. He is in support of providing affordable housing in the City but from the real estate point of view the figures are not provided to decide if it is a good deal or not.

Jorge Gonzalez, City Manager, explained that the item is for the approval of the appropriation of \$500,000 which is the next deposit required as part of the contract. The Finance and Citywide Projects Committee requested, and it is our intention after we do our do diligence and before it comes to the City Commission for final action, to have all the questions answered satisfactorily. The City needs to meet the second deposit required to keep the contract alive and it is reimbursable to the City if this project is not successful.

Commissioner Gross stated that as long as it is clear that the City can get the deposit back, the deposit is held in escrow and the contract can be cancelled if financing is not possible then he has no objections.

Vice-Mayor Cruz stated that to the extent that the City can purchase the buildings and it makes financial sense particularly from a cash flow perspective he agrees to it. One thing is buying the buildings and renovating them but what is the long term aspect, what is the payment source coming from, all of this need to be clarified because the City wants to be paid back for whatever we are putting into it. There needs to be a payment stream. The question that needs to be answered is that are we as a City and as a Commission going to be looking at RDA or City funds to foster affordable housing. He is not opposed to it but this discussion

needs to take place because you cannot present something in front of this body without having the information and expect us make a decision. This decision really affects everyone in the community and cannot be taken lightly.

Motion made by Vice-Mayor Cruz to avail the \$500,000 to continue but it should go to the Finance and Citywide Projects Committee and then there should be a philosophical discussion of the City Commission as to where it the Commission wants to take this City; seconded by Commissioner Bower.

Commissioner Bower stated that she is happy Vice-Mayor Cruz made the motion but she believes that the City needs to do the correct thing financially and stated that using RDA money for affordable housing is a wonderful thing. This will help the people that work in Miami Beach.

#### 11:17:39 a.m.

A Resolution Of The Chairman And Members Of The Miami Beach Redevelopment Agency ("Agency") Approving A Settlement In The Amount Of \$4,375,000.00 Whereby The Agency Will Pay \$1,500,000.00 To Atlantic Civil, Inc. ("Atlantic") And Whereby Royal And Sun Alliance USA ("RSA") And DPIC, On Behalf Of Their Insured, Kimley-Horn And Associates, Inc., Will Pay To Atlantic \$2,875,000.00 Pursuant To The Terms Of The Attached Settlement Agreement As Full And Final Settlement With Regard To The Case Styled: Atlantic Civil, Inc. V. Miami Beach Redevelopment Agency, ET AL., Case No: 01-23635 CA 09, In The Circuit Court Of The 11th Judicial Circuit In And For Miami-Dade County, Florida; And Further Authorizing The Appropriation Of \$1,500,000.00 From South Pointe Redevelopment Agency Funds.

(City Manager's Office)

**ACTION:** Resolution No. 541-2007 adopted. Motion made by Commissioner Gross; seconded by Commissioner Steinberg; Voice-vote: 7-0. Patricia Walker to appropriate the funds. Tim Hemstreet to handle.

#### 11:18:34 a.m.

A Resolution Of The Chairman And Members Of The Miami Beach Redevelopment Agency (RDA) Authorizing The Executive Director, And Such RDA Staff As He May Designate, To Initiate The Process To Amend The Affordable Housing Component Of The City Center RDA Redevelopment And Revitalization Area Plan, Dated February 1, 1991 And Adopted By Miami-Dade County On March 30, 1993 (The Plan); Said Plan Amendment To Enable The RDA To Help Create And Fund New Affordable Housing Opportunities Within The City Center RDA For "Workforce Housing," For Families Earning Between 120% To 140% Of Area Median Income (AMI), Who Would Otherwise Not Qualify Under The Existing Affordable Housing Income Thresholds For Low And Moderate Income (Up To 120% AMI) Individuals And Families Who Are Currently Eligible Under, And Served By, Current City Of Miami Beach And RDA Affordable Housing Programs And Initiatives; Further Authorizing The Executive Director And His Designated Staff To Take Such Actions As Necessary And Required To Amend Said Plan Including, Without Limitation: Initiating And Preparing The Text Of The Proposed Amendment, As Well As Any Supporting Documentation Thereto; Submitting The Proposed Amendment To The Chairman And Members For Consideration And Approval At A Duly Noticed Public Hearing; If Approved By The Chairman And Members, Submitting The Proposed Plan Amendment To Miami-Dade County, For Review And Approval On The Administrative And Committee Levels, As Well As The Required Approval By The Board Of County Commissioners; Preparing Such Notice(s) And Setting Of Public Hearing(s), As May Be Required Under Chapter 163, Part III, Florida Statutes (Also Known As The "Community Redevelopment Act Of 1969"); And Taking Any And All Other Actions, As May Be Required; Provided Further, That The Aforestated Authority Is Granted To The Executive Director Solely For The Purpose Of Amending The Plan For The Express Purpose Of Including The Aforestated Workforce Housing Component, And Shall Not Be Intended, Nor Broadened, To Allow The Executive Director To Agree And/Or Accept Any Other Conditions, Amendments, Modifications, Supplements, And/Or Revisions To The Existing Plan, As May Be Requested By Miami Dade County As A Condition To Approval Of Said Amendment, And That Any Such Conditions And/Or Proposals Shall Be Subject To Further Approval By The Chairman And Members.

ACTION: Resolution No. 542-2007 adopted as amended. See motions below.

Motion #1

Motion made by Commissioner Libbin to move the RDA Item 2C; Seconded by Vice-Mayor

Cruz. After further discussion, Vice-Mayor Cruz withdrew his second.

#### Motion #2

# 12:43:13 p.m.

Commissioner Cruz withdrew his second to the motion to approve RDA item 2C and made a motion to have these three buildings move forward as the RDA Plan current stipulates; affordable housing; seconded by Commissioner Bower: Voice vote: 7-0.

# Motion #3

Motion made by Commissioner Libbin to direct staff to begin the process for an RDA plan amendment change to allow workforce housing and essential service personnel which will allow the average media income of 120% - 140%; seconded by Commissioner Góngora; Voice vote: 4-3; Opposed: Mayor Dermer, Commissioners Bower and Gross.

#### Motion #4

Motion made by Commissioner Libbin to adopt this percentage in future projects; seconded by Commissioner Bower; Discussion continued.

#### Motion #5

Motion made by Commissioner Bower to table the motion #4 above. Motion approved without objections.

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#### Discussions:

Hilda Fernandez, Assistant City Manager, summarized the presentation. She stated that one of the issues that was discussed during the last Finance and Citywide Projects Committee (FCWPC) meeting was how can the City use the RDA funds for the development of affordable housing. She also stated that the RDA plan, which was approved by the City and Miami-Dade County, allows for the acquisition of "properties" within the City Center RDA to allow for rehabilitation and economic reuse as well as preservation of historical designed structures. She also stated that the RDA plan defines the use being appropriate for affordable housing. She explained the methodology that was used. The FCWPC directed that there be a meeting to discuss what they could possible recommend in terms of guidelines for the use of the funds. There has been an interest expressed to make these funds available for workforce housing. She also stated that the RDA plan, as currently defined, states that the City can serve people in affordable housing up to 120%.

Jorge Gonzalez, City Manager, stated that one of the strategies that the City has been engaged in for a long time is not just how does the City create affordability but how to retain the stock that the City already has. He also stated that there is a chart that indicates that the total value of available units has gone down over the last few years.

Hilda Fernandez, Assistant City Manager, stated that most of the affordable housing programs traditionally targets residents at 60% and below the average median income (AMI), which seems to be the category of residents that traditionally cannot afford housing in the open market. She explained that the 80%, under the HUD guidelines, is the maximum residents could earn to be eligible under HUD programs.

Commissioner Gross stated that he wanted to follow up on this because Commissioner Bower has been very active in making this point and he thought that these figures demonstrate what she was saying. The crunch is not so much for the people that are at 80% AMI, much less at 100% or 120% or 140%, because those people can actually afford the housing stock that the City has, even at 60% AMI. He stated that studios can be found on South Beach for \$650.00 a month and the City needs to target the people that cannot afford what the City already has.

Commissioner Libbin disagreed. He stated that he agrees with targeting, but not exclusively. He stated that the City should start making available units to workforce housing, which, as Federal guidelines describe, it would be something between a 120% and 140%. He explained that an area medium income of 120% was \$67,080.

Mayor Dermer asked what is the amount for affordable income housing.

Jorge Gonzalez, City Manager, responded that for a family of four, if a couple earns more that \$67,000, they have crossed the affordability threshold and have entered the workforce. For a single person, it is almost \$47,000. He also said that monthly rent based on U.S HUD's 30% housing affordability standards works out for a family of four to \$1,677 monthly and for a single person is \$1,173 monthly.

Mayor Dermer asked if it was worth going through this process to try to get a sliver of RDA money for workforce housing and having to deal with the County. Under the law the City can already use RDA funds for affordable housing. He asked Hilda Fernandez to list the procedure if the City had to go to the County to get workforce housing amendment to the RDA plan versus affordability which it could be done tomorrow.

Hilda Fernandez, Assistant City Manager, stated that there are nine steps involved in changing the RDA plan and they were on page 671 of the agenda.

Mayor Dermer asked why the City would want to go through changing the plan with Miami-Dade County, thereby opening the RDA to tremendous potential problems to allow for someone making \$68,000 a year to be able to qualify for getting a government subsidy for housing versus the City doing affordable housing for people now without dealing with the Miami-Dade County.

Commissioner Libbin stated that almost daily there is an article in the newspaper about the need to address workforce housing issues. He also said that in Key West they have not been able to stabilize the housing for their workforce. He stated that he asked the City Attorney to give the City Commission a memorandum on this. The memorandum, dated October 25th, basically outlines two things that have to be done to ask Miami-Dade County to amend the agreement with RDA to allow the City to use funds for workforce housing. He also stated that the City Attorney suggested the language be modified to read instead of "affordable" it would read "affordable workforce and essential service personnel." He stated that he met with the Finance and Citywide Projects Committee several months ago regarding this amendment and the City Manager and virtually every Commissioner on that Committee tried to persuade him not to go to Miami-Dade County, but he does not believe the County will object and if they do, the City does not have to accept it. He stated that so far he has met with five of the County Commissioners and informed them of his concerns. Bruno Barreiro, Chairperson of the Miami-Dade County Commission, agreed that this was the right thing to do and that he would be happy to make it his own personal item and will try to put it on the January 25<sup>th</sup> County Commission agenda. Commissioner Libbin also stated that, assuming that Miami-Dade County is willing to agree to the amendment, the Commission or RDA has to state how the amendment should read. He said that the amendment allows the flexibility for the opportunity to create workforce housing.

Discussion continued.

Nancy Liebman stated that she has been dealing with Miami-Dade County for about six years and it is probably the most difficult effort that you can ever think about. She also stated that as far as the CANDO District (Cultural Arts Neighborhood District Overlay), it is a wonderful

committee composed of 30 people working diligently. They unanimously support the first question, to use RDA funds for affordable housing. The purpose of the CANDO District is to create neighborhoods that are art oriented, and that includes housing for cultural workers. She also stated that the cultural workers of this community do not need the change to 140% AMI, and are waiting for the City to create some support for housing for cultural workers. She also informed the Commission that they would like the effort to create housing in the CANDO District with the RDA funds start immediately and not wait for Miami-Dade County.

# Motion #1.

Motion by Commissioner Libbin to move RDA Item 2C, second by Vice-Mayor Cruz.

Discussion continued.

Vice-Mayor Cruz stated that the objective was to get housing within the CANDO District and suggested that the three buildings be carved out.

Discussion continued.

Roberto Datorre explained that one of the buildings is half empty but the other half is occupied by elderly people. He also stated that he needs to have options and he does not want to be locked in.

Mayor Dermer asked what the time sensitivity is to carve out these three buildings.

Jorge Gonzalez, City Manager, stated if the Commission separates these three buildings from being applicable to workforce housing, then what you have is the current guidelines associated with the RDA which are very vague. The guidelines simply state up to 120% of medium income. He explained that now you are simply dealing with an acquisition discussion. Does the RDA want to buy the building or not. He also stated that they could come back later and take exactly what was carved out as far as the 30% for 50 and below and the 50% for the 50/80 and apply it to Mr. Datorre's program at a later date. He stated this is entirely within the City Commission's jurisdiction as long as the guidelines stay within the 120%, and if it was amended to read 80% to 120% the City Commission can pass it. He explained that this also allows the City to pursue the process to amend the plan to allow for that workforce component, not specifically to a particular project, just say "our amendment to the plan will now and in the future allows prospective purchases of buildings to allow for workforce housing" and pursue that change at the County level.

Discussion continued.

Commissioner Bower stated that she believes these three buildings should be carved out and used for affordable housing, and let Commissioner Libbin proceed with his efforts with the County.

Mayor Dermer asked for an expression of sentiment regarding carving out the three building. He stated that he wants to vote for the buildings to be used for affordable housing and does not want the County involved. If the majority of the Commission wants to go to the County to include workforce housing in the RDA plan, that can be a separate vote.

## Motion #2:

Vice-Mayor Cruz withdrew his second to the motion to approve RDA item 2C and made a motion to have these three buildings move forward as the RDA Plan current stipulates; affordable housing; seconded by Commissioner Bower; Voice vote: 7-0.

Motion made by Commissioner Libbin to adopt item 2C, as it is, exclusive of the three buildings; second by Vice-Mayor Cruz.

Jorge Gonzalez, City Manager, said that he thought there was no need to have the County approve any of the breakdown of the workforce, he stated that the motion should be to direct the staff and/or Commissioner Libbin to initiate the plan amendment that strictly allows that segment between 120% and 140%. Locally the City Commission will decide the breakdown percentage.

Discussion continued.

Jorge Gonzalez, City Manager, restated Commissioner Libbin's motion above and stated that the three buildings have been set aside and he believes Commissioner Libbin is looking to take the guidelines, which were reached as a consensus at the Neighborhoods/Community Affairs Committee, and approved them for purposes of workforce housing in Miami Beach for future projects, and further directing the Administration to do a plan amendment only on allowing workforce housing, the version between 120% and 140%.

Commissioner Gross stated that since the Finance and Citywide Projects Committee has not had an opportunity to look at the costs of workforce housing. When the Finance Department does the analysis they need to report back the cost implication of the different percentages.

Commission Libbin did not agree with Commissioner Gross' statement because at this time there is nothing to base the cost implications on.

Commissioner Bower asked to separate the guidelines and the seeking of County approval to amend the plan to include workforce housing into two motions. She added; don't give the County the authority they don't already have.

#### Motion #3

Motion made by Commissioner Libbin to ask Miami-Dade County for a plan amendment to allow workforce housing and essential service personnel, which will allow the average medium income between 120% and 140%; seconded by Commissioner Góngora; Voice vote: 4-3: Opposed: Mayor Dermer, Commissioner Bower and Commissioner Gross.

Discussion continued.

# Motion #4

Motion made by Commissioner Libbin to adopt this percentage in future projects; seconded by Commissioner Bower.

Discussion continued.

Jorge Gonzalez, City Manager, explained that what this amendment does is that for future projects, not including the three carved out buildings, the split of the units will be driven by a guideline that is established which is 30% of the units that will be in a project will need to meet the earnings criteria of less than 50% of the average media income. This is internal, and the guidelines do need to have Miami-Dade County approval.

Discussion continued.

Commissioner Bower stated that if the County agrees to amend the plan to include workforce housing, the City wants to have the criteria ready. She explained the percentage mix.

Discussion continued.

Commissioner Steinberg explained why he will vote against the motion and that is because the reality is this is an issue for a future commission.

Discussion continued.

Motion #5

Motion made by Commissioner Bower to table the motion on adopting the percentages. Motion approved without objections.

# Handout or Reference Materials:

1. Document titled: "Affordable" vs "Workforce" housing. Comparison information.

Meeting adjourned at 7:55:53 p.m.

**End of RDA Agenda**